Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

STANLEY J. PEACOCK, PATSY PEACOCK
Petitioners,

v.

CITY OF MURPHY
Respondent,

On Petition For A Writ Of Certiorari To Review Judgment Of The United States Fifth Circuit Court Of Appeals, February 18, 2005 And The Memorandum Opinion and Order Of The United States Magistrate Judge Of Eastern District Court Of Texas, Sherman Division, Filed March 4, 2004 By Magistrate Judge Don D. Bush

PETITION FOR A WRIT OF CERTIORARI

Appearing Pro Se
Stanley J. Peacock; Patsy Peacock
14409 County Rd. 565
Farmersville, TX 75442
(972)784-7107

Stanley J. Peacock

Patsy Peacock

QUESTIONS PRESENTED

In Terms Of Legal Procedure:

Can a Magistrate disregard all previous Court Verdicts, Orders and Decisions regarding approved and filed in the County Records building, signed by the County Clerk, sub-division plat for house building lots? The plat is Peacock's Landing Estates.

And substitute an unfiled, un-approved by City and land owner sub-division plat as an authority in the Magistrate's rendering a Memorandum, Opinion and Order which deprives land owner of his lawful rights to use his land for building his home and other homes on the sub-division under the United States Constitution and under Texas Statute Article 974 a, submitted and approved as a State and City sub-division May 18, 1983 and filed in the Collin County Records Building at that time.

That above plat is the only one approved and filed in the County Records Building by the land owner and developer and signed by the County Clerk as the true approved sub-division, Peacocks Landing Estates of Murphy, Texas.

The Magistrate Judge on the word of the Murphy Mayor at that time, Ray W. Bentle, rendered his Memorandum, Opinion and Order, March 4, 2004.

Because Magistrate Don D. Bush and his Court, without jury trial, believed the lies of City of Murphy, the Fifth circuit Court of Appeals, believed him and his lies, also.

There has never been an approved plat, of Peacock Landing Estates except one, the one approved by the Fifth Court of Appeals of Texas; Judge John M. McCraw of the Appeals Court; Judge Verna Holland; Trial Court; Chief Justice Craig T. Enoch of the Fifth Court of Appeals of Texas Murphy's attorney, Lawrence Jackson in his return of the Contract for Mandamus.

The plat has never been replaced. This entire procedure, backed by Don D. Bush, Magistrate Judge has been a gigantic fraud and conspiracy. All of the participants knew it was. There should be some disbarment and jail sentences, (but there won't be). An intelligent Judge could never normally make this kind of bad judgment. This Supreme Court knows that.

As part of the questions presented, there is the question of a "taking" under Article 1 § 17 of the Texas Constitution with no compensation by Murphy. The Courts had already Ordered that Murphy was to furnish utilities, meters, building permits and sanitary sewer lines to Peacocks Landing Estates. By their fraud, Murphy believed they had escaped furnishing anything to the addition. They certainly deprived Appellant Pro Se of his livelihood and a right to choose his way of living in his chosen profession of homebuilding. It was certainly a "taking".

Two other questions that need to be presented are forth coming as, it appears that none of the Justices in the Appeals Courts and the one Federal District Court even know what the differences are between "Building Code" and "Sub-division Code" are.

All of Appellants' recent Court Appeals decisions are entangled with the Justices lack of that knowledge. They are not related.

The two have nothing related to each other.

Appellant built homes for forty-five years. He only related to building codes on the homes that he was getting permits on. He presented his building codes and specifications along with his blue prints for the houses going under construction. The building inspectors inspected for building codes.

The sub-division plans for those lots to be built on, were presented by others concerning the plats consisting of the lots to be built on. Nothing about building codes here.

As a qualified experts appraiser, Peacock appraises the four lot subdivision at $200,000.00 in their original approved state. Following Magistrate Judge Bush's misguided Orders, they are worth zero. Is that theft, conspiracy, manipulation, fabrication, fraud or what?

PARTIES TO THE PROCEEDINGS

Petitioners are Stanley J. Peacock; Patsy Peacock

Respondent is City of Murphy, Texas

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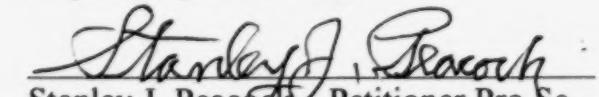
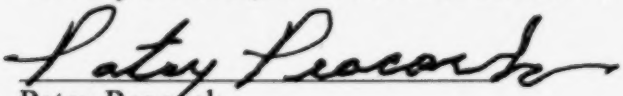
Conclusion

For the foregoing Reasons, the petition for a Writ of Certiorari should be granted.

Respectfully submitted,



Stanley J. Peacock Petitioner Pro Se



Patsy Peacock
14409 CR 565
Farmersville, TX 75442
(972)784-7107

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Petitioners respectfully petition for a Writ of Certiorari to review the Judgment of the United States Fifth Circuit Court of Appeals, Fifth Circuit February 18, 2005 and more thoroughly the Memorandum, Opinion And Order of the United States Magistrate Judge of Eastern District Federal Court of Texas, Sherman Division filed March 4, 2004 by Magistrate Judge Don D Bush.

VERY PROMINENT OPINIONS BELOW

None of the decisions below appear to have ever been published. There may have been method in this madness in view of their neglecting the hard learned Court Judgments, which this case is all about. And then standing behind a plat that has never existed legally, or been filed for record.

STATEMENT OF THIS UNITED STATES SUPREME COURT JURISDICTION

As a result of every decision by the two Federal Courts deciding all of the repercussions in this twenty two years old Civil Rights and denial of Constitutional Rights case, actually the United States Supreme Court has the entire Jurisdiction for righting the many denials and wrongs.

In view of the facts that the Fifth Circuit Court of Appeals followed the untrue, illegal and misinterpretation of everything decisions by Magistrate Judge, Don D. Bush, it has become imperative that Appellants present up close, personal complete and in their entirety, the opinions, verdicts and Orders of the opinions below from:

1. Court of Appeals Fifth District of Texas, Judge John McCraw, November 23, 1987.

2. Court of Appeals Fifth District of Texas, Chief Justice Craig T. Enoch, February 22, 1988

3. Writ of Mandamus, Judge Verna Sue Holland 296th Judicial District, March 31, 1988.

4. Return of Mandamus, Murphy Attorney, Lawrence W. Jackson, May 22, 1988.

5. Request, Petition For Four Building Permits and Utilities for four lots of Peacocks Landing Estates, Stan Peacock to Building Inspector of Murphy February 8, 1984.

6. Request For Approval of six copies of Peacocks Landing Estates Sub-division as a Subdivision to Murphy, Article 974(a) by Stan Peacock and Katherine L. Huertas, executive of Murphy, April 18, 1983.

COMMENT ON UNITED STATES FIFTH CIRCUIT COURT OF APPEALS VERDICT

This decision of the United States Fifth Circuit Court of Appeals is "Affirmed", before Jones, Barksdale Prado and is of course, out of this world. Please read this decision, ignoring the many Appeals Courts confirmation of the existing sub-division plat and following Magistrate Bush's non-approved, non-filed and non-presented unauthorized. Sub-division plat in making their decision. No one ever saw a more conglomeration of mis-facts concerning such an important decision in the life of an old disabled soldier in their life. They even lost the subject matter of the case. The case and facts were about the Courts Ordering the complying of Orders from the Appeals Courts back in 1987 and 1988.

Their decision was about untruths about who knows what.

OPINION BELOW

Full text of valid court orders, decisions, Mandamuses and Opinions are shown and readable under Appendices 1 thru 25 in the Appendices Section.

Facts of the cases prove beyond a doubt that none of the correct Court decisions were rescinded.

Murphy overruled all unfavorable Court decisions for Murphy.

Murphy Controls the Courts?

Murphy and Magistrate Don D. Bush conspired and robbed Appellant of his Constitutional Rights and the fruits of his four building lots. They are now worthless with no future as anything.

Appellant is willing to take lie detector tests against any and all of the actions of Don D. Bush. Will he do the same?

STATEMENT OF THE CASE

Affidavit In Support of Plaintiffs' Appellants Claims, Petition For Writ of Certiorari To Review Judgment Of The United States Fifth Circuit Court Of Appeals And Memorandum, Opinion And Order Of The United States Magistrate Judge, Don D. Bush Of The United States District Court of Eastern District Of Texas Filed March 4, 2004 In Case No. 4:02 CV 373

State of Texas
County of Collin

Before me, the undersigned Authority on this day personally appeared Stanley J. Peacock, who being first duly sworn, stated as follows:

My name is Stanley J. Peacock and I am over 21 years of age. I have never been convicted of a felony and I have personal knowledge of the facts hereinafter set out and am competent to testify about such facts and make this affidavit in support of truthful allegations of actions by City of Murphy and Magistrate Don D. Bus regarding illegal acts and conspiracy by Murphy, Bush and the Courts.

First, let this be an affidavit in the form of a narrative in which this 81 year old, ninety-five percent service connected, disabled World War II veteran gets a chance to weather the storm of trying to get the 1% chance of ever getting this great United States Supreme Court to dish out true justice to anyone who has had to go through courts without a law degree against a whole brotherhood of attorneys sticking up for each other especially in the Appellate and Federal Courts. There was only one approved plat. Why would these Courts believe there was another one. Who would have filed it in the County Records Building?

Please let me introduce myself as a member of the elite group of veterans of General Patton's tank Corps, described so elegantly by Tom Brokaw.

I was drafted in 1943 at the age of 18 and shown what a youngster could do being shot at by 88s on the battlefield of Germany for the wages of $22.00 per month

and all of the chow you could dig up for the skinny little body that the depression days contributed to.

I was a tank Commander, I was present at the end of the Battle of the Bulge in Bastogne with the 37th Tank Battalion, 4th Armored Division. It was the largest battle in history; Ardennes Campaign, the Armored relief column; west bank of Rhine River, the Bavarian, German, Austria, Czechoslovakia and Central Europe campaign; Battle of Nuremberg against 15,000 German diehards; The Patton Third Army Soviet Link up on the Ebe River, May 6, US 16th and 4th armored Division capture Pilsen; Czechoslovakia first ground combat in Europe, May 6th, 7th and 15th last resistance ceases, ending fighting in Europe.

I was mostly injured outside of Nuremberg, when an 88 shell knocked our tank over into an incline while I was standing in the turret and knocked out of it on my head and right side, giving me brain damage up until now, along with many cracked ribs, broken back and shoulder area.

Fraudulently! There is no other manner to describe how Magistrate Don D. Bush and the City of Murphy and the executive officers rode over the Peacock backs in an effort to destroy them. They made a "Taking" of Peacocks $200,000 subdivision with all of the utility lines, four building permits for four houses, four sanitary sewer meters and lines and four lines of furnishing water to the subdivision ordered by four Judges on four separate occasions of Court Orders by the Appeals Courts. Murphy did nothing.

The Court approved subdivision, Peacocks Landing Estates is the only one in existence that has been approved

in Court, filed in the County Court Building, signed by the County Clerk, Helen Starnes.

Magistrate Judge Don D. Bush Signs An Order Of Summary Judgment And A Memorandum, Opinion and Order March 4, 2004

The Appellants ask this United States Supreme Court to read the above Orders and Article very closely. While it may be true that Appellants are a little rough in describing Bush's actions, it may be a long time before this Court reads such hatred in a Magistrates' Ruling; especially one of such lies and verification of other's lies. Conspiracy and fraud is what it is, by one who is in the safe position of law. No one can get him.

He has shown in his writings that he doesn't know the differences between Building Codes and Sub-division Codes. And yet, he is a Judge of something he apparently knows nothing about and is ruining Appellants' lives as a result.

He talks about the non-existent, non legal, non approved and non-filed subdivision plat as an honestly true plat. Please ask this Magistrate for any proof that he can show for his illegal actions. He can show nothing for his illegal actions. He can show nothing that has been filed of record or approved by Murphy or any Court.

Peacocks' original subdivision has never been withdrawn, changed or made invalid. It was filed May 18, 1983 and would be in affect today except for Magistrate Bush.

What Bush has ruled and written is criminal, false and illegal as well as wrong. The proof is there. It is in the records of the Courts and County Records Building. It is in the attached excerpts.

CONTINUATION OF AFFIDAVIT

Things that I believe is part of the Petition For A Writ of Certiorari and shouldn't be overlooked are:

The United States Constitution protects by an Amendment the right to hold property free from unwarranted intrusion by authorities. The Federal District Court is violating this.

A Clause applies to denial of property rights, land rights and liberty rights protected by the Constitution.

And something big here is the Right to petition the Government for redness or grievances. This includes the rights of access to the Courts, which are subject to Due Process protection in that all opportunity must be a meaningful time in a meaningful manner. Matter of N.C. Trading, 1978, 586 F 2d, 221, 66 CC Pa 11.

The Index of Appendices and the Appendices on the next section of this Petition For Writ proves Conclusive and Decisive Proof of Bush's Transgressions against Appellants without provocations or true reason.

Summation Of Petition For Writ of Certiorari To The United States Supreme Court for Review Of Judgment Of the United States Fifth Circuit Court of Appeals and the Investigation of United States Magistrate Don Bush and his Memorandum, Opinion and Order Filed March 4, 2004.

It is a questionable right and questionable law for a Magistrate to be turned loose in a Federal Court with Larceny on his mind and question existing as to his training to supervise the life of citizens.

There is no logical way for this Magistrate to have lawfully believed that this Appellant could have given a plat to Murphy to be approved as a replacement for one that he spent four years and longer in Court to be approved and filed by the Courts in order for him to build his home and three houses with all utilities and meters furnished by Murphy.

Murphy's honest ness and honor have been questionable from the first, 1983.

Appellants would have had to be insane to give Murphy rights to his life and future. Even Judge Bush joined the crowd when he stole Appellant's rights to a jury trial after he had demanded one when he filed the Original Petition.

PRAYER IN AFFIDAVIT

Wherefore Premises Considered, Appellants pray that this Court see the ongoing abuse administered for each of many years by Appellee and assistants without even a token of recorded fact in this case; the miscarriages of justice and many points of injustices and liabilities of Appellee for damages and abuse of property Constitutional Rights for which Appellants will ever pray.

Evidence 1

Issue By Judge McCraw November 23, 1987 Ordering City of Murphy To Issue Four Building Permits, Four Sets of Utilities for Meters Permits and Sewer Stops November 23, 1987
Signed by: Justice, John McCraw

COURT OF APPEALS
FIFTH DISTRICT OF TEXAS
AT DALLAS
NO. 05-86-01315-CV

Stan Peacock, Patsy Peacock
and Camelot Real Estate, Inc.

Appellants,

FROM A DISTRICT COURT

City of Murphy, Texas, and
City Council of Murphy, Texas

Appellees.

Of Collin County, Texas

Before Justices Whitham, Thomas and McCraw
Opinion by Justice McCraw
November 23, 1987

Stan Peacock, Patsy Peacock and Camelot Real

Estate, Inc. appeal a judgment which denied 1) a declaratory judgment, (2) a writ of mandamus, and (3) charges against the City of Murphy resulting from the city's refusal to issue four building permits. In points of error numbers three, five, seventeen, and twenty-one, appellants argue that the trial court failed to submit the proper issues to the jury. We agree and reverse the trial court's judgment and remand And to issue building permits, utilities and sewer taps for Peacock's Landing Estates in Murphy, Texas.

It is ORDERED that appellants, Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc. recover their costs of this appeal from appellees, city of Murphy, Texas.

November 23, 1987.

JOHN M. MCCRAW, JR.
JUSTICE

Evidence 2

Issued February 22, 1988

Orders Chief Justice of Fifth District Court of Appeals Signed By Justice Craig T. Enoch Ordering Mandamus To Recognize Peacock Landing Estates and for Murphy to Issue Building Permits Utilities and Taps For The Four Houses To Be Built

No. 05-86-01315-CV

THE STATE OF TEXAS

To The 296th District Court of Collin County, Greeting:

Before our Court of Appeals for the Fifth District of Texas at Dallas, on the 23rd day of November A.D. 1987, the cause upon Appeal to revise or reverse your judgment between

STAN PEACOCK, PATSY PEACOCK AND CAMELOT Appellant and CITY OF MURPHY, TEXAS AND CITY COUNCIL of Appellee, Murphy, Texas was determined and therein our said Court made its order in these words:

In accordance with this Court's opinion of November 23, 1987, the judgment of this Court is as follows: The trial court's judgment in favor of appellees, City of Murphy , Texas, and City Council of Murphy, Texas, is REVERSED, and the cause of City of Murphy, Texas, and City Council of Murphy, Texas, against Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc. is REMANDED to the trial court with instructions that it issue

a writ of mandamus: ordering the City of Murphy to recognize Peacock's Landing as a subdivision of the City of Murphy, and to issue building permits, utilities and sewer taps for Peacock's Landing Estates in Murphy, Texas.

It is ORDERED that appellants, Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc., recover their costs of this appeal from appellees, City of Murphy, Texas.

WHEREFORE, WE COMMAND YOU to observe the order of our said Court of Appeals for the Fifth District of Texas at Dallas, in this behalf and in all things have it duly recognized, obeyed and executed.

WITNESS, THE Honorable CRAIG T. ENOCH, Chief Justice of our said Court of Appeals with the seal thereof affixed at the City of Dallas, this the 23rd day of February A.D. 1988

Evidence 3

Issued March 31, 1988 of Writ of Mandamus Ordered by Fifth Circuit Texas Appeals Court November 23, 1987 Ordering Recognition of Peacock's Landing Estates and Murphy Issuing Four Building Permits, Four Water Taps, Sewer Taps and Furnishing Four Sets of Water Utilities Sent by Verna Sue Holland, Judge 296th Judicial District

In The District Court
296th Judicial District
Collin County, Texas
No. H-84-074-296

STAN PEACOCK, ET. AL.

vs.

CITY OF MURPHY, ET. AL.

WRIT OF MANDAMUS

Pursuant to a Judgment rendered by the Court of Appeals For The Fifth District of Texas, At Dallas, on November 23, 1987, this Court comands the City of Murphy, Texas, to recognize Peacock's Landing as a subdivision of the City of Murphy and to issue building permits, water tap permits, and sewer tap permits for the four lots in Peacock's Landing, Estates in Murphy, Texas. Construction under such permits to be in accordance with the building codes in effect at the time of construction and water and sewer tap permits to be permits to tap into the city system where the

city system is located at the time of construction and in accordance with the building and utility codes in effect at the time of construction.

The City of Murphy shall pay cost as ordered by such Judgment.

Signed this 31 day of March 1988.

VERNA SUE HOLLAND

Evidence 4

Contract Issued May 22, 1988 by Murphy Attorney, Jackson admitting governing Plat was valid April 18, 1983 at time Plat was submitted for approval from Murphy, PLEASE NOTE: Exhibit F, page , requesting approval under Article 974(a), substantiated by this return of . Mandamus showing submission of six copies of Plat, Peacocks Landing Estates April 18, 1983 makes that date time of approval and date of schedule of fees.

NO.H-84-074-296
IN THE DISTRICT COURT
296TH JUDICIAL DISTRICT
COLLIN COUNTY,TEXAS

Stan Peacock, ET AL

v.

City Of Murphy, ET AL.

RETURN OF WRIT OF MANDAMUS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the City of Murphy, Texas, and pursuant to Writ of Mandamus issued by this Court on March 31, 1988, makes this its return of said Writ and in regard thereto would show the Court the following:

I.

Said Writ required the City of Murphy to "recognize Peacock's Landing Estates as a subdivision of the City of

Murphy." In this regard, the City of Murphy, Texas, will, henceforth, consider Peacock's Landing Estates as a subdivision of the City of Murphy, Texas, and will not require any further approval of the same.

II

Said Writ required that the City of Murphy "issue building permits, water "tap " permits, and sewer tap permits for the four (4) lots in Peacock's Landing Estates in Murphy, Texas, with construction under such permits to be in accordance with building codes in effect at the time of construction and water and sewer tap permits to be permits to tap into the City system where the City system is located at the time of construction and in accordance with the building and utility codes in effect at the time of construction." In this regard, the City of Murphy acknowledges the right of each of the four (4) lots in Peacock's Landing Estates to the issuance of a building permit upon submission of building plans in accordance with the building codes in effect at the time of application for such building permits, and such lots are entitled to a water tap permit and a sewer permit and a sewer tap permit to tap into the City's water-system and wastewater system where the City's- systems are located at the time of construction. Attached hereto as Exhibit "A" and Exhibit "B" are copies of the City of Murphy's water distribution system lines and wastewater system lines as they exist in the area of Peacock's Landing Estates on the date hereof. Any building permit, water tap permit, or sewer tap permit fees shall be based upon the schedule of fees for such permits which were in effect on April 18, 1983.

III

The City of Murphy has paid the costs ordered by said Writ.

Signed this 22nd day of May 1988.

Respectfully submitted

SALLINGER, NICHOLS,
JACKSON, KIRK &
DILLARD

By: Lawrence W. Jackson
State Bar No. 10485000

1800 Plaza
500 N. Akard
Dallas, Texas 75201
(214) 954-3333

ATTORNEYS FOR DEFENDANT, CITY OF MURPHY, TEXAS

Approved:

Mayor, City of Murphy, Texas

Evidence 5

Petition For Four Building Permits for four lots of Peacocks Landing Estates submitted to Murphy Building Inspector, February 8, 1984

Murphy Building Inspector

To

Representative Employees:

Please accept this statement as a Petition or Request four Building Permits and four Certificates of Occupancy and Compliance on the following described lots: Lot one, two, three. and four of Peacocks Landing Estates, Part of Henry Maxwell Abstract 579 , Tract 40 in the city of Murphy, Texas, Collin County, Texas.

We the undersigned, do hereby submit, along with this statement four different sets of complete home building plans including plot plans, through spokesman – Stan Peacock. There are two Sets for each home (there are more sets if Murphy needs them) and welcome any notice of change or adjustments that might be needed to get the permits.

Having dealt with the people representing The City of Murphy for ten months we do not expect any cooperation on this application and in as much as you will not issue us application forms for the above, we cannot apply conventionally.

On advice of Attorneys, we are taking this avenue as

a first step in the pursuit of our dreams of building homes of our choice on our land in the city of our choice on Cherokee Drive as soon as we can, which includes surviving un-needed un-called for red tape illegally thrown in our paths.

Please accept this form of request unless you are willing to furnish us with the regular forms with intentions of issuing permits.

If you refuse this request, we will appreciate your reasons in writing, signed by a responsible party and given to or mailed to us. By presenting this at this time, we are also establishing the fact that we sincerely requested permits before any changes in the zoning **laws,** that you are, now attempting to make, have become effective. We are quite sure that these new zoning laws are a further effort to restrict us.

On This _8__ day of February, 1984. A.D.

Signed:

STAN PEACOCK
PATSY PEACOCK
CAMELOT REAL ESTATE INC.
BY STAN PEACOCK

Evidence 6

Submitted To Murphy April 18, 1983, the Same Day considered as time of approval by Murphy attorney in Return of Mandamus

Stan Heacock,
P.O. Box 1911
Richardson, TX
696-2628

Respectfully Submits (6) copies of Plat & Plans for Sub-dividing of Property known as 4A, now known as Tract. 40, Abstract 599, Henry Maxwell Survey - 2.015 Acre Tract.

Request Approval of Sub-dividing Acreage into 4 Tracts -

Payment of $212.00 for Preliminary & Final Plat & Plan Paid This 18th Day of April, 1983

Stan Heacock XIII

Katherine L. Heacock

Respectfully submitted,

Stanley J. Peacock

Stanley J. Peacock, Appellant Pro Se
14409 County Rd. 565
Farmersville, Texas 75442
(972)784-7107

Patsy Peacock

Patsy Peacock, Appellant Pro Se

CONCLUSION

The Petition for a Writ Of Certiorari should be granted.

Respectfully submitted,

Stanley J. Peacock

Stanley J. Peacock

Date: 5-5-05

Subscribed And Sworn To Before Me
On This the 5th day of May, 2005.

Notary Public in and for the State of Texas

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APPENDIX

Proof Of Courts' Disobeying Appeals Courts Original Verdicts And Orders

Appendix 1

COURT OF APPEALS
FIFTH DISTRICT OF TEXAS
AT DALLAS
NO. 05-86-01315-CV

Stan Peacock, Patsy Peacock
and Camelot Real Estate, Inc.

Appellants,

FROM A DISTRICT COURT

City of Murphy, Texas, and
City Council of Murphy, Texas

Appellees.

Of Collin County, Texas

Before Justices Whitham, Thomas and McCraw
Opinion by Justice McCraw
November 23, 1987

Stan Peacock, Patsy Peacock and Camelot Real Estate, Inc. appeal a judgment which denied 1) a declaratory judgment, (2) a writ of mandamus, and (3) charges against the City of Murphy resulting from the city's refusal to issue four building permits.. In points of error numbers three, five, seventeen, and twenty-one, appellants argue that the trial court failed to submit the proper issues to

the jury. We agree and reverse the trial court's judgment and remand And to issue building permits, utilities and sewer taps for Peacock's Landing Estates in Murphy, Texas.

It is ORDERED that appellants, Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc. recover their costs of this appeal from appellees, city of Murphy, Texas.

November 23, 1987.

JOHN M. MCCRAW, JR.
JUSTICE

Appendix 2

Issued February 22, 1988

No. 05-86-01315-CV

Orders Chief Justice of Fifth District Court of Appeals Signed By Justice Craig T. Enoch Ordering Mandamus To Recognize Peacock Landing Estates and for Murphy to Issue Building Permits Utilities and Taps For The Four Houses To Be Built

THE STATE OF TEXAS

To The 296th District Court of Collin County, Greeting:

Before our Court of Appeals for the Fifth District of Texas at Dallas, on the 23rd day of November A.D. 1987, the cause upon Appeal to revise or reverse your judgment between

STAN PEACOCK, PATSY PEACOCK AND CAMELOT Appellant and CITY OF MURPHY, TEXAS AND CITY COUNCIL of Appellee, Murphy, Texas was determined and therein our said Court made its order in these words:

In accordance with this Court's opinion of November 23, 1987, the judgment of this Court is as follows: The trial court's judgment in favor of appellees, City of Murphy , Texas, and City Council of Murphy, Texas, is REVERSED, and the cause of City of Murphy, Texas, and City Council of Murphy, Texas, against Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc. is

REMANDED to the trial court with instructions that it issue a writ of mandamus: ordering the City of Murphy to recognize Peacock's Landing as a subdivision of the City of Murphy, and to issue building permits, utilities and sewer taps for Peacock's Landing Estates in Murphy, Texas.

It is ORDERED that appellants, Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc., recover their costs of this appeal from appellees, City of Murphy, Texas.

WHEREFORE, WE COMMAND YOU to observe the order of our said Court of Appeals for the Fifth District of Texas at Dallas, in this behalf and in all things have it duly recognized, obeyed and executed.

WHITNESS, THE Honorable CRAIG T. ENOCH, Chief Justice of our said Court of Appeals with the seal thereof affixed at the City of Dallas, this the 23rd day of February A.D. 1988

Appendix 3

In The District Court
296th Judicial District
Collin County, Texas
No. H-84-074-296

STAN PEACOCK, ET. AL.

vs.

CITY OF MURPHY, ET. AL.

WRIT OF MANDAMUS

Pursuant to a Judgment rendered by the Court of Appeals For The Fifth District of Texas, At Dallas, on November 23, 1987, this Court comands the City of Murphy, Texas, to recognize Peacock's Landing as a subdivision of the City of Murphy and to issue building permits, water tap permits, and sewer tap permits for the four lots in Peacock's Landing, Estates in Murphy, Texas. Construction under such permits to be in accordance with the building codes in effect at the time of construction and water and sewer tap permits to be permits to tap into the city system where the city system is located at the time of construction and in accordance with the building and utility codes in effect at the time of construction.

The City of Murphy shall pay cost as ordered by such Judgment.

Signed this 31 day of March 1988.

VERNA SUE HOLLAND - JUDGE

Appendix 4

Murphy's Attorney Approving Court Issued Mandamus
May 22, 1988

Sent to 296th District Court May 22, 1988, stating elimination of any further approval of same Peacock's Landing Estate

NO.H-84-074-296
IN THE DISTRICT COURT
296TH JUDICIAL DISTRICT
COLLIN COUNTY,TEXAS

Stan Peacock, ET AL

v.

City Of Murphy, ET AL.

RETURN OF WRIT OF MANDAMUS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the City of Murphy, Texas, and pursuant to Writ of Mandamus issued by this Court on March 31, 1988, makes this its return of said Writ and in regard thereto would show the Court the following:

I.

Said Writ required the City of Murphy to "recognize Peacock's Landing Estates as a subdivision of the City of

Murphy." In this regard, the City of Murphy, Texas, will, henceforth, consider Peacock's Landing Estates as a subdivision of the City of Murphy, Texas, and will not require any further approval of the same.

II

Said Writ required that the City of Murphy "issue building permits, water "tap " permits, and sewer tap permits for the four (4) lots in Peacock's Landing Estates in Murphy, Texas, with construction under such permits to be in accordance with building codes in effect at the time of construction and water and sewer tap permits to be permits to tap into the City system where the City system is located at the time of construction and in accordance with the building and utility codes in effect at the time of construction." In this regard, the City of Murphy acknowledges the right of each of the four (4) lots in Peacock's Landing Estates to the issuance of a building permit upon submission of building plans in accordance with the building codes in effect at the time of application for such building permits, and such lots are entitled to a water tap permit and a sewer permit and a sewer tap permit to tap into the City's water-system and wastewater system where the City's- systems are located at the time of construction. Attached hereto as Exhibit "A" and Exhibit "B" are copies of the City of Murphy's water distribution system lines and wastewater system lines as they exist in the area of Peacock's Landing Estates on the date hereof. Any building permit, water tap permit, or sewer tap permit fees shall be based upon the schedule of fees for such permits which were in effect on April 18, 1983.

III

The City of Murphy has paid the costs ordered by said Writ.

Signed this 22nd day of May 1988.

Respectfully submitted

SALLINGER, NICHOLS, JACKSON, KIRK & DILLARD

By: Lawrence W. Jackson
State Bar No. 10485000

1800 Plaza
500 N. Akard
Dallas, Texas 75201
(214) 954-3333

ATTORNEYS FOR DEFENDANT, CITY OF MURPHY, TEXAS

Approved:

Mayor, City of Murphy, Texas

Appendix 5

Murphy Building Inspector

To

Representative Employees:

Please accept this statement as a Petition or Request four Building Permits and four Certificates of Occupancy and Compliance on the following described lots: Lot one, two, three. and four of Peacocks Landing Estates, Part of Henry Maxwell Abstract 579 , Tract 40 in the city of Murphy, Texas, Collin County, Texas.

We the undersigned, do hereby submit, along with this statement four different sets of complete home building plans including plot plans, through spokesman – Stan Peacock. There are two Sets for each home (there are more sets if Murphy needs them) and welcome any notice of change or adjustments that might be needed to get the permits.

Having dealt with the people representing The City of Murphy for ten months we do not expect any cooperation on this application and in as much as you will not issue us application forms for the above, we cannot apply conventionally.

On advice of Attorneys, we are taking this avenue as a first step in the pursuit of our dreams of building homes of our choice on our land in the city of our choice on Cherokee Drive as soon as we can, which includes surviving un-needed un-called for red tape illegally thrown in our paths.

Please accept this form of request unless you are willing to furnish us with the regular forms with intentions of issuing permits.

If you refuse this request, we will appreciate your reasons in writing, signed by a responsible party and given to or mailed to us. By presenting this at this time, we are also establishing the fact that we sincerely requested permits before any changes in the zoning **laws,** that you are, now attempting to make, have become effective. We are quite sure that these new zoning laws are a further effort to restrict us.

On This 8 day of February, 1984. A.D.

SIGNED:

STAN PEACOCK
PATSY PEACOCK
CAMELOT REAL ESTATE INC.
BY STAN PEACOCK

PLAINTIFFS

Appendix 6

STAN PEACOCK,
P. O. Box 1911
RICHARDSON, TX
696-2628

RESPECTFULLY SUBMITS (6) COPIES OF PLAT & PLANS FOR SUB-DIVIDING OF PROPERTY KNOWN AS 44, NOW KNOWN AS TRACT. 40, ABSTRACT 519, HENRY MAXWELL SURVEY - 2.015 ACRE TRACT.

REQUEST APPROVAL OF SUB-DIVIDING ACREAGE INTO 4 TRACTS -

PAYMENT OF $212.00 FOR PRELIMINARY & FINAL PLAT & PLAN

PAID THIS 18TH DAY OF APRIL, 1983

Stan Peacock

Katherine L. Hunter

Appendix 7

U.S. District Court
Eastern District of TEXAS (Sherman)
CIVIL DOCKET FOR CASE #: 4:02-cv-00373-DDB

Peacock, et al v. Murphy City of, et al
Assigned to: Magistrate Judge Don D. Bush
Demand: $0
Cause: 42: 1983 Civil Rights Act

Date Filed 11/15/2002
Jury Demand: Plaintiff Judge Bush Refused
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Mediator

Robert W. Faulkner

Represented by Robert W Faulkner
JAMS/Endispute LLC
8401 N Central Expwy
Ste 610 - LB 32
Dallas, TX 75225-4402
PRO SE

Plaintiff

Stanley J Peacock
Patsy Peacock
Represented by Stanley J Peacock
14409 County Road 565

Farmersville, TX 75442
PRO SE

Patsy Peacock

Represented by Patsy Peacock
14409 County Road 565
Farmersville, TX 75442
PRO SE

V.

Defendant

City of Murphy Texas The

Represented by John Evan Richards
Vial Hamilton Koch & Knox
1700 Pacific
Suite 2800
Dallas, TX 75201-7388
214/712-4690
Fax: 12147124402
Email: richards@vialaw.com

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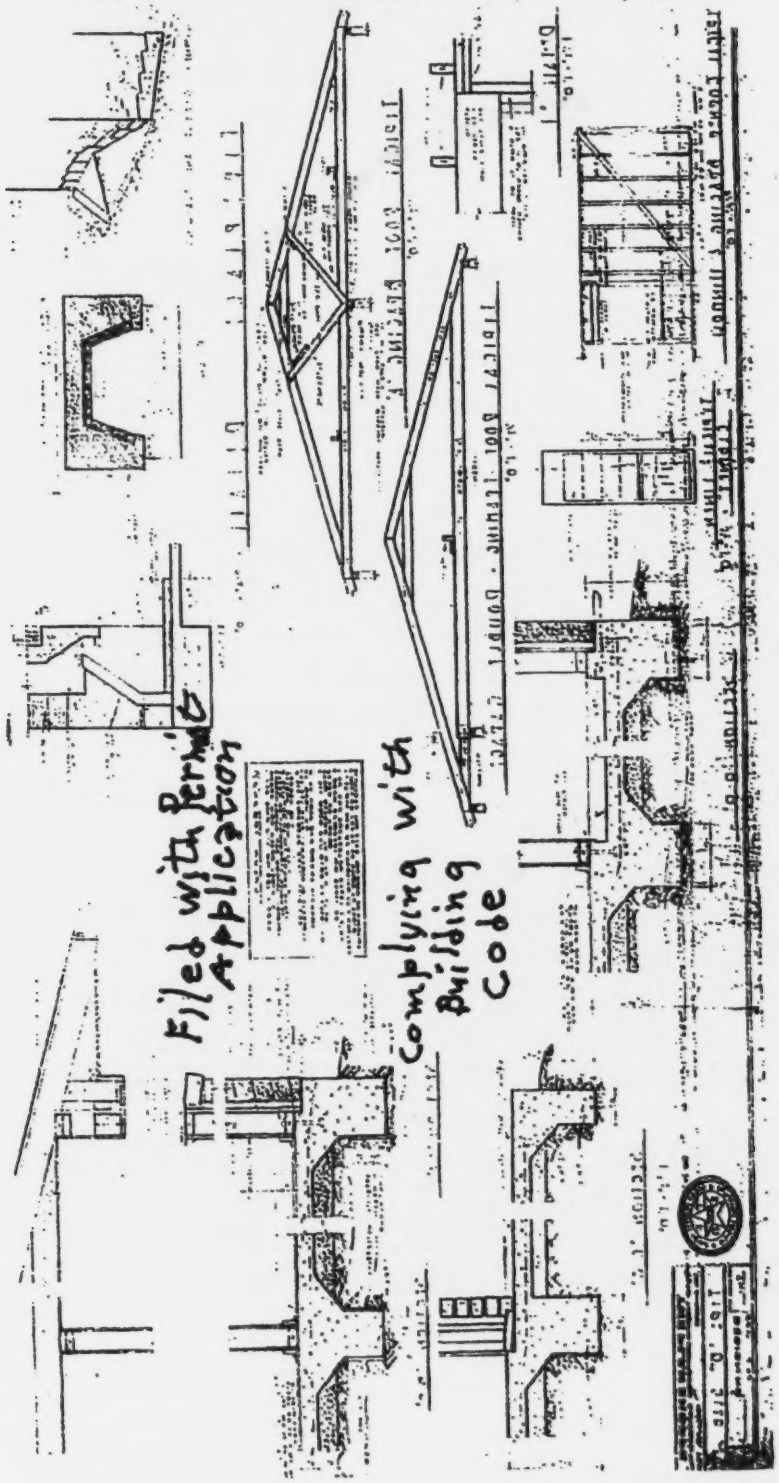
Appendix 8

Peacocks Landing Estates Filed In Collin County Court Bldg., April 18, 1983

Appendix 9

Building Code Presented with Four Sets of Blueprints for Approval For Building Permits, Feb. 8, 1984



II

Appendix 10

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CIVIL ACTION NO. 4:02CV 373

STANLEY J. PEACOCK AND WIFE, PATSY PEACOCK,

Plaintiffs,

v.

CITY OF MURPHY, TEXAS,
(INCLUDING THE MURPHY CITY COUNCIL:
ACTING AS INDIVIDUALS FOR SELF
INTEREST, IN UNISON WITH MURPHY).

Defendants

PLAINTIFFS STANLEY J. PEACOCK AND WIFE PATSY PEACOCK FILE THIS MOTION FOR DEFENDANTS, CITY OF MURPHY AND MURPHY CITY COUNCIL TO BE ORDERED BY THIS COURT TO COMPLY IMMEDIATELY WITH ORDERS FROM THE FIFTH DISTRICT COURT OF APPEALS AND MANDAMUS FROM DISTRICT COURT JUDGE VERNA SUE HOLLAND ISSUED NOVEMBER 23.1987 RELATING TO CITY OF MURPHY RECOGNIZING PEACOCK'S

LANDING ESTATES AS A SUBDIVISION OF THE CITY OF MURPHY AND TO ISSUE BUILDING PERMITS, UTILITIES AND SEWER TAPS FOR THE FOUR LOTS OF PEACOCK'S LANDING ESTATES IN MURPHY TEXAS

OR

AS ALTERNATIVE, PLAINTIFFS FILE THIS MOTION FOR LEAVE OF COURT UNITED STATES MAGISTRATE JUDGE DON D. BUSH. TO HAVE PERMISSION TO FILE NOTICE OF APPEAL TO THE FIFTH CIRCUIT COURT OF APPEALS FOR THE ABOVE MOTION ONLY SHOULD THIS COURT OVERRULE THE MOTION FOR MURPHY TO COMPLY. BY ANSWERING WITH AN ORDER OF DENIAL

To The Honorable Judge of Said Court:

Appendix 11

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CIVIL ACTION NO. 4:02CV373

Stanley J. Peacock and wife Patsy Peacock

Plaintiffs,

v.

City of Murphy, Texas
(Including the Murphy City Council; Acting as Individuals For Self Interest, In Unison With Murphy)

Defendants,

MOTION TO AMEND
DEMAND FOR JURY TRIAL

To The Honorable Judge Of Said Court:

Having filed Plaintiffs' First Amended Original Petition in February, 2003, Plaintiff Motions under Federal Rule 38(11), To Amend Plaintiffs' Demand For A Jury Trial on issues triable by Jury and all of the triable issue contained in First Amended Original Petition. This is filed under the Section Rule 3 8(b) that contains the statement "at any time after the commencement of the action and not later than 10

days after the service of the last pleading directed to such issue," is the Demand

STANLEY J. PEACOCK, PLAINTIFF

Appendix 12

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CIVIL ACTION NO. 4:02CV373

Stanley J. Peacock and Wife, Patsy Peacock

Plaintiffs,

v.

City Of Murphy, Texas
(Including The Murphy City Council; Acting As Individuals For Self Interest In Unison With Murphy)

Defendants,

JURY TRIAL IS DEMANDED

PLAINTIFFS COMPLAIN OF VIOLATIONS UNDER THE UNITED STATES CONSTITUTION AND THEREFORE FILE:

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION FOR DAMAGES OF $680,000 COMPENSABLE DAMAGES FOR LOSS OF INCOME DENIAL OF INCOME FROM CHOSEN PROFESSION; PAIN AND SUFFERING FROM DEFENDANTS' ACTIONS. INCLUDING VIOLATION OF CIVIL. FEDERAL AND

CONSTITUTIONAL RIGHTS; $20.000 FOR DAMAGES FROM DEFENDANTS FOR MISLEADING TAX AUTHORITIES REGARDING THE TRUE NATURE OF USE OF PLAINTIFFS' BUILDING LOTS; $50.000 IN SANCTION'S FROM DEFENDANTS FOR REFUSING TO COMPLY WITH ORDERS FROM CHIEF JUSTICE CRAIG T. ENOCH IN A MANDATE ISSUED FEBRUARY 22. 1988; $50.000 PUNITIVE DAMAGES IN CASH FROM DEFENDANTS. CITY OF MURPHY. TEXAS PLUS PREVAILING INTEREST FOR DAMAGES FROM MURPHY FOR APPROXIMATELY TWO YEARS OR UNTIL PAID

STANLEY J. PEACOCK, PLAINTIFF

Appendix 13

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CIVIL ACTION NO. 4:02CV373

Stanley J. Peacock and Wife, Patsy Peacock

Plaintiffs,

v.

City Of Murphy, Texas
(Including The Murphy City Council; Acting As Individuals For Self Interest In Unison With Murphy)

Defendants,

PLAINTIFFS COMPLAIN OF VIOLATIONS
UNDER THE UNITED STATES CONSTITUTION
AND
THEREFORE FILE:

PLAINTIFF'S FIRST ORIGINAL PETITION FOR DAMAGES OF $680.000 LOSS OF INCOME FROM VIOLATION OF CIVIL, FEDERAL, AND CONSTITUTION/RIGHTS; DENIAL OF EARNING INCOME FROM CHOSEN OCCUPATION AND BUILDING OF HOMESTEAD; CONTEMPT OF COURT FROM MANDATE OF FEBRUARY 22, 1988 BY CHIEF JUSTICE CRAIG T. ENOCK OF THE FIFTH COURT OF APPEALS OF TEXAS AND

SUBJECTIVE DISCRIMINATION OF PROPERTY RIGHTS DURING THE PERIOD DECEMBER 20. 2000 UNTIL SETLLED IN COURT

Statement Of Facts For Jurisdiction

The Jurisdiction of this Federal Circuit Court is Established Affirmatively in this suit for denial of the United States Constitution and Federal Laws by State and City authorities, under 42 USCS § 1983. Included are Offenses against Civil Rights of Citizens18 USCS §§ 241-246 and 42 USCS §§ 1988, 1997E. This is a Case arising under the

STANLEY J. PEACOCK, PLAINTIFF

Appendix 14

COURT OF APPEALS
FIFTH DISTRICT OF TEXAS
AT DALLAS

STAN PEACOCK, PATSY PEACOCK and
CAMELOT REAL ESTATE, INC.

APPELLANTS,

v.

NO. 05-86-01315-CV

CITY OF MURPHY, TEXAS, and
CITY COUNCIL OF MURPHY, TEXAS

APPELLEES.

JUDGMENT

In accordance with this Court's opinion of November 23, 1987, the judgment of this Court is as follows:

The trial court's judgment in favor of appellees, city of Murphy, Texas, and city Council of Murphy, Texas, is REVERSED, and the cause of City of Murphy, Texas, and City Council of Murphy, Texas, against Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc. is REMANDED to the trial court with instructions that it issue a writ of mandamus ordering the city of Murphy to recognize Peacock's Landing as a subdivision of the City of Murphy, and to issue building

permits, utilities and sewer "taps for Peacock's Landing Estates in Murphy, Texas.

It is ORDERED that appellants, Stan Peacock, Patsy Peacock, and Camelot Real Estate, Inc., recover their costs of this appeal from appellees, City of Murphy, Texas.

November 23, 1987.

JOHN M. MCCRAW, JR.
JUSTICE

The Peacocks sued the city of Murphy, Texas, seeking to compel it to issue building permits and utility connections for the four lots. The trial court granted the city's motion for summary judgment. In an unpublished opinion, this court affirmed that judgment, holding that Peacock had never filed a proper subdivision plat with the governing body of Murphy. Thereafter, Peacock appealed to the Supreme Court of Texas, which issued a per curiam opinion, Peacock v. City of Murphy, 706 S.W.2d 648 (Tex. 1986), holding that "Peacock avers that he followed the City's regulations. . . . [and] that he filed his preliminary and final plats and plans with the Mayor and City Secretary of Murphy. Peacock presents a fact issue of whether he filed his subdivision plat with the governing body of Murphy." Peacock, 706 S.W.2d at 648. The Supreme Court reversed and remanded the cause to the trial court for trial on the merits.

Thereafter, a jury was presented and answered the following special issue affirmatively:

The Plaintiffs did not comply with the

> filing requirements of the City of Murphy's Subdivision regulations for the filing of a Preliminary Subdivision Plat.

(Emphasis added). Based upon such jury verdict, the trial court entered judgment that Peacock recover nothing by said suit and that all relief sought by Peacock be denied. From that judgment, Peacock brings this appeal.

Counsel for the city concedes that Murphy is a general jurisdiction City, and therefore, the general law of the State of Texas applies. Specifically, this case is governed by Texas Revised civil Statutes article 974a, section 3, which states:

> Any person desiring to have a plan, plat or replat approved as herein provided, shall apply therefore to and file a copy with the commission, if there be one, or with the governing body if there is no Commission. The Commission, or governing body, as the case may be, shall act upon same within thirty (30) days from the filing date. Ifsaid plat be not disapproved within thirty (30) days/ from said filing date, it shall be deemed to have been approved by the Commission, or the governing body if there is no Commission The Supreme Court specifically ruled that Peacock presents a fact issue of whether he filed his subdivision plat with the governing body of Murphy. Peacock, 706 S.W.2d at 648. The issue was not whether he complied

with the city of Murphy's filing requirements. Regardless, the appellees conceded during the submission before this Court that the appellant did file a plat-plan with the city. Since this plat was admittedly filed and the City's governing body failed to act within the thirty-day statutory period, the subdivision plat was approved by operation of law.

We reverse the trial court's judgment and remand with instructions that it issue a. writ of mandamus ordering the City of Murphy to issue the requested permits.

JOHN L. MCCRAW, JR. – JUSTICE

Appendix 15

STAN PEACOCK
14409 COUNTY RD565
FARMERSVILLE, TX 75442
(972)784-7107

October 14, 2002

Murphy City Planning & Zoning Commission
Mayor, Roy W, Bentle
Murphy Consulting Engineers
Director of Public Works
Planning Consultant, Sherry Sefko
City Of Murphy
205 N. Murphy Rd.
Murphy, TX 75094

Certified Mail Number: 7001 2510 0007 5625 5840

To Ms. Sherry Sefko,

I am sending this letter directly to you for an answer through all of the others who have authority to deny this application with all of their rejection comments.

The answers must be within 10 days to the address above. The P,O. Box, which you have consistently used, won't cut it.

You must realize, I have worlds of Texas and United States, civil law, case law and other laws from

which to draw for approval.

You are going to have to drop your pursuit of free access within the Cherokee Road area. They don't like you. They never will.

The old perjury Murphy Mayor, Poindexter, tried that with me for six years, along with his secretary.

This petition is for simply a water line, a water meter and a legal building permit as stated by the Mandate of Court of Appeals for the Fifth District Court of Appeals at Dallas, TX, Craig T. Enoch.

The water meter is to connected with a 6-inch line 745 feet long in the Henry Maxwell Survey the North line of Travis Estates on private property to Kinney Drive from Lot 4 on Cherokee Drive across from this original Stanley Lot.

STANLEY J. PEACOCK- PLAINTIFF
October 14, 2002

Appendix 16

United States Court of Appeals
Fifth Circuit
No. 04-40509
Summary Calendar

February 18, 2005

Stanley J. Peacock and Wife, Patsy Peacock
Plaintiffs-Appellants

v.

City Of Murphy, Texas
Defendants-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
(4:02-CV-373-DDB)

Before JONES, BARKSDALE, and PRADO, Circuit Judges.
PER CURIAM:

Real-estate developers Stanley and Patsy Peacock appeal, *pro* se, the summary judgment granted the City of Murphy, Texas. In 1987, a Texas state court issued a writ of mandamus ordering the City to issue various permits to the Peacocks. In 2002, the Peacocks filed a development application seeking to correct their development plat and have the necessary permits issued. The City refused to issue the permits because the Peacocks' development plans did not comply with

existing building and utility codes.

The Peacocks offer only generalized and conclusional assertions that the evidence submitted by the City was untrue. This is insufficient to overcome the City's summary judgment evidence. *See _chaels* **v. Avitech, Inc.,** 202 F.3d 746, 754-55 (5th Cir.), *cert. denied,* 531 u.s. 926 (2000). Because the undisputed facts, supported by competent summary-judgment evidence, showed the Peacocks did not receive disparate treatment and the denial of their development application was rationally based, the City was entitled to summary judgment against their equal protection claims. Village of Willowbrook v Olech, 528 u.s. 562, 564 (2000).

Nor have the Peacock's shown they were denied due process. Their development application was considered at public hearings and they do not assert they were not notified of those hearings. *See* ***Mathews v.EIdridge,*** 424 U.S. 319, 333 (1976) . Moreover, the City's refusal to issue the requested permits because the Peacocks had not met building and utility code requirements is neither arbitrary nor wrongful. *_See Zinermon* v. Burch-- 494 u.s. 113,.125 (1990).

The Peacocks also contend the district court erred in refusing to compel responses to their discovery requests They have not shown an abuse of discretion, however; they have not explained how the responses would have created a genuine issue of material fact. *See Moore* ***v. WiIlis Indep. Sch. Dist.,*** 233 F.3d 871, 876 (5th Cir.

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y Public
of Texas
ires 02-27-2008

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The Peacocks filed this action under 42 U.S.C.§ 1983,claiming the City, *inter alia* ,violated their equal-protection rights by imposing requirements on them that were not required of other developers near the proposed development. The City submitted competent summary judgment evidence showing: the Peacocks' development application was considered under the same standards as every other applicant; and the denial of the Peacocks did not provide any countervailing evidence. The district court entered summary judgment in favor of the City.

We review a summary judgment de *novo* See **Mel.ton** ***v. Teachers Ins. & Annuity Ass'n*** **of Am.,** 114 F.3d 557,559 (5th Cir. 1997. Summary judgment is appropriate where the pleadings and evidence present no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law. See FED. R.CIV. P. 56 (c); ***Celotex*** Corp. ***v. Catrett,*** 477 U.S. 317, 322 (1986). A factual dispute will preclude an award of summary judgment if a reasonable jury could return a verdict for the nonmovant based on the evidence presented. ***Anderson v. Liberty Lobby,*** **Inc.,** 477 U.S. 242, 248 (1986). Conclusional allegations, speculation, improbable inferences, or a mere scintilla of evidence are insufficient to defeat a summary judgment motion. **Matsushita** ***Eect.*** **Indus.Co.** ***Ltd. v. Zenith Radio*** Corp, 475 U.S. 574, 587 (1986) 2000); ***Washington*** **v. Allstate** ***Ins.*** **Co.,** 901 F.2d 1281, 1285-86 (5th Cir. 1990).

AFFIRMED

JONES, BARKSDALE AND PRODO
CIRCUIT JUDGES

Appendix 17

COLLIN COUNTY

Murphy petitioners want top officials out

Suspensions, firings fuel effort to recall mayor and mayor pro tem

By TIARA M. ELLIS
Staff Writer

MURPHY — Petition organizers say they've gathered enough signatures for a recall election to oust Mayor David Trudeau and Mayor Pro Tem Kent Bogdan.

They plan to file the petition with the city secretary today.

Talk of a recall started the week after a special City Council meeting June 11 at which City Manager Roger Carlisle and City Secretary Kaythie Darnell were placed on paid administrative leave, said Barbara Harless, one of the recall organizers.

That effort gathered steam when two more city employees were placed on paid suspension and later fired. The recall attempt has continued to snowball as sparse details have come from City Hall regarding an investigation into large unbudgeted purchases made without public bids or council approval.

The effort could culminate in a November election in which voters would decide whether the two men should remain in office.

"They have done so much damage already," Ms. Harless said of Mr. Trudeau and Mr. Bogdan. "We have to move and get a recall. We can't wait.

"And if something comes out that the accusations we made are incorrect, then they probably won't be recalled. But they haven't said anything to date to make me think that."

The petition cites concerns over coordination of the investigation, possible open meetings violations and whether Craig Sherwood, interim city manager, is qualified to hold the position.

Mr. Bogdan and Mr. Trudeau said they've done nothing wrong and are working for the betterment of Murphy.

"I think I've acted to protect the citizens and the town of Murphy itself," Mr. Bogdan said. "I have done what any prudent person would under the same legal circumstances."

Mr. Trudeau said he's only heard rumors and would like to see the petition.

"I can't even confirm that this [recall effort] is going anywhere. Until I lay my hands on it, I'm not going to try to imagine what it might be about," he said.

To recall an elected city official, a petition with the signatures of 30 percent of the number of votes cast in the most recent election must be filed with the city secretary's office.

Murphy had 639 voters in the May election, according to the Collin County elections office. Organizers need 192 signatures to get the recall issue on the ballot. The city secretary has 21 days to verify the signatures.

Debbie Wilson was appointed interim city secretary after Ms. Darnell was placed on paid leave. Ms. Wilson is on vacation but is expected to be back next week. Carrie Smith, an assistant city planner, is the acting city secretary.

Dave Forehand, a former council member who is involved in the petition drive, said the recall isn't a political effort.

"This cuts across all sorts of Murphy politics, which makes it interesting and unique. This isn't about one faction against another. It's just people who don't like the way things are playing out," Mr. Forehand said.

Marty Brenner, who served on the charter commission with Ms. Harless, said residents should be patient and allow the council's investigation to run its course.

"How can you say what the mayor and mayor pro tem is doing is wrong when you haven't seen the evidence of the investigation yet? My feeling is the council is doing exactly what the charter allowed them to do," Mr. Brenner said.

"I think [recall organizers] are [upset] because the council took some actions against city employees. If you don't like what they did, kick them out at election."

E-mail tellis@dallasnews.com

No credibility from 1983 until 2004 P

Concerns about Murphy's future

Trying to save the city

Haphazard. Misguided. Disruption. Half-parceled information. Conspiracy theories. Disturbing and detrimental. These are words people have used in this newspaper to describe the recall effort in Murphy.

Yet these very phrases apply to the manner in which our trusted elected officials have behaved since the June 11 meeting that turned this town on its head. The people calling for a recall are not protecting Roger Carlisle, launching personal attacks on people we don't like or trying to settle political scores. We're trying to save our town from ruin.

We are outraged by the behavior of our elected city officials, who have lost sight of critical issues facing our city and have chosen to waste our money on flimsy investigations that have turned up no criminal offense in five weeks' time.

I lost to Michelle Long for City Council Place 2 in the May election, and I accept that. After the election, I looked forward to concentrating on my personal life and my role as park board chairman. The two former councilmen involved in the recall easily could have been re-elected in May, but they stepped down voluntarily to spend more time with their families. I assure you none of us is happy that we have to stay involved in this way. We had all hoped that the elected officials could be trusted to do the right thing.

Instead, in less than one month, our new council and mayor have given us a bogus investigation. Our reputations have been sullied, opportunities squandered and our personal investments in our homes threatened.

Five Murphy employees have been placed on leave or lost their jobs since June 11, and many more fine employees are looking to leave. But the council wasted no time in giving its hand-picked new city manager a raise despite his lack of experience or even a college degree.

Your editorial writer lamented the days when Murphy was debating alcohol. Here's a stark illustration of how this situation has galvanized a large portion of Murphy citizens. Kimberly Ashby and Chuck Dern -- bitter opponents in the alcohol debate only a year ago -- are united in this recall effort. I urge everyone to look closer instead of buying the mayor's attempt to marginalize and dismiss his opposition.

Finally, some suggest that we simply sit back like good little subjects and let it all play out. When your city's burning, you don't wait and see what happens. You pick up a hose and try to put the fire out.

Stuart Manning, Murphy
park board chairman

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Murphy Probe

City owes it to public to make thorough review

Murphy residents deserve a thorough investigation of allegations that led to the paid suspension of three top city administrators and the dismissal of an ad-ative executive assistant.

ough, Murphy is growing rapidly, this is still a small unity where incidents such as this aren't expected to n. With City Manager Roger Carlisle, City Secretary ne, Darnell and human resources director Michelle s now placed on administrative leave, the city will be oil until answers are provided. Executive administrative

tant Cynthia Kent was dismissed.

he probe is focused on the possibility that several large hases were made by the city of Murphy without seeking lic bids or City Council approval. According to City Attor-Terry Welch, who is conducting the investigation, the fund-involved could exceed $25,000.

Unfortunately, these allegations arise less than six months r Murphy voters approved city charter changes that gave nder powers to Mr. Carlisle, whose title was changed from r administrator to city manager.

Under the charter amendment, Murphy became a home-le city with additional powers to annex and the mayor was ven a vote on the City Council. In addition, the council size as increased from five to six members.

The charter election was a controversial one that created di-sions in Murphy. So it's important for Mr. Welch to move horoughly and efficiently as he pursues this investigation. The sooner that Murphy residents have a clear understanding of he probe, the better.

The officials suspended have been quick to say they've done nothing wrong. Mr. Carlisle said the public can "ask me anything about these allegations. Ms. Darnell said these are the first questions raised about her 26 years of public service.

The city owes it to them and the public to resolve this matter in an appropriate and timely manner.

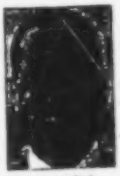
Manager takes city to court

He says open meetings laws, contract violated; officials deny charges

By TIARA M. ELLIS
Staff Writer

Murphy City Manager Roger Carlisle has filed suit against the city, saying the mayor and council violated open meetings laws, his civil rights and his employment contract during a meeting in which he was placed on paid administrative leave.

MURPHY



Roger Carlisle

The actions occurred at a special City Council meeting June 11, according to court documents.

Mr. Carlisle has asked the court for access to people and documents that he says could verify his allegations. He also seeks permission to question four council members, the mayor, interim City Manager Craig Sherwood and the investigators appointed to look into large, unbudgeted purchases the city says Mr. Carlisle made without public bids or council approval.

"We've had no process," Mr. Carlisle said of his suspension and that of City Secretary Kaythie Darnell. "They've basically run over us."

Murphy city attorney Robert Brown said that none of Mr. Carlisle's accusations are valid.

At a council meeting Thursday night, council members received a preliminary report regarding the investigation. A summary of the report will be available to residents at City Hall and on the city's Web site. City officials said they

Murphy details fiscal allegations

Salaries, bidding at issue; city manager denies accusations

By PAUL MEYER and TIARA M. ELLIS
Staff Writers

Roger Carlisle

Murphy officials released details Friday of their ongoing investigation into the dealings of City Manager Roger Carlisle and other staff members, outlining a series of alleged financial improprieties.

"City of Murphy personnel appear to have engaged in a pattern of conduct where tax money was spent inappropriately, employee salaries increased, items were purchased without budgetary authorization for such purchases and competitive bidding laws not followed, in violation of state law, the City Charter, and Council resolution," read the summary report of the preliminary investigation.

Alleged violations, described in detail during a council meeting Thursday night, include the improper purchasing of a 2004 GMC Envoy SUV for the city parks director, giving a raise to the city secretary without council approval and approving other large purchases without council approval.

Five city officials have been fired or placed on paid administrative leave since June 11 — including Mr. Carlisle and city finance director Fred Mendoza, who was put on paid leave Thursday after returning from vacation.

"We'll be able to answer every one of those [allegations]," Mr. Carlisle said Friday.

The city manager, who remains on paid leave, said he is preparing a written response, but declined to comment on the specific allegations.

The investigation has pitted Mr. Carlisle, who has filed suit against the city, against Mayor David Trudeau and others on the council.

Petitions to recall the mayor and Mayor Pro Tem Kent Bogdan were submitted to the acting city secretary Thursday afternoon. The city secretary's office has 21 days to verify the signatures for a recall election in November.

"We have serious concerns about finances that we're looking into," Mr. Trudeau said Friday, dismissing the recall push as politics without substance.

"A number of these people with their own political agendas ask for fairness and justice, but a number of those people signed a recall petition without waiting for the results of the investigation."

E-mail pmeyer@dallasnews.com and tellis@dallasnews.com

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Details are released in city inquiry

Focus: Were large buys put out for public bids?

By TIARA M. ELLIS
Staff Writer

Murphy city officials released the first details this week from an investigation that sparked the paid suspension of three employees and the firing of another.

The release comes more than a week after the City Council called for the investigation into employee conduct. Investigators are looking into several large, possibly

MURPHY

unbudgeted purchases for which city staff members apparently did not seek public bids or council approval. City Attorney Terry Welch declined to be more specific, saying he did not want to hinder the investigation.

The city authorized the city attorney's office to conduct the investigation. No law enforcement agencies are involved.

Council members first announced the inquiry without an explanation of what they were interested in at a June 11 special City Council meeting called by Mayor David Trudeau.

City Manager Roger Carlisle

See MURPHY Page 4B

Murphy reveals inquiry focus: possible unapproved purchases

Continued from Page 1B

and City Secretary Kaythie Darnell were placed on paid administrative leave at that meeting. And last week, Mr. Carlisle's executive administrative assistant, Cynthia Kent, and human resources director Michelle Jaynes were also placed on paid leave in connection with the investigation. Ms. Kent was terminated Tuesday.

Preliminary information from the investigation alleges that Mr. Carlisle exceeded his authority by making purchases that cost more than $25,000 without council approval, as required by city policy.

And state law requires that any purchases over $25,000 be opened to public bidding. He's also accused of not following those procedures.

But Mr. Carlisle said that if anyone had approached him with any suspicions, he could've provided an explanation. And no purchases or budget items were ever performed without going through the proper procedures, he said.

"Just ask me a question. I'll give you the answer," Mr. Carlisle said. "When we put things on the agenda, the city attorney gets a copy of the packet. They have to sign off on the lease of vehicles and other stuff. You don't do it by yourself."

Ms. Jaynes could not be reached for comment.

Investigators are also looking at a bank loan made to the city, which includes suspicious documents, Mr. Welch said.

"Statements were made in documents submitted to a bank for several loans, and questions have arisen regarding those statements," he said.

Mr. Trudeau and council members would not discuss details of any part of the investigation, citing concerns about the security of possible evidence.

"If you were conducting any kind of investigation, would you show them what you were looking at?" Mr. Trudeau asked. "We were guarding against exactly what happened – someone going in and moving files. Exactly what we thought would happen, happened within hours of our meeting."

Ms. Kent said she was questioned about going into the administration building after midnight the evening of the special council meeting to move files to a locked cabinet. She said she wasn't trying to hide anything.

"I went back into the building, because I started thinking there were files kept in an unlocked cabinet – e-mails and memos from Roger [Carlisle] to the City Council and mayor," Ms. Kent said. "I was afraid those files would come up missing. So I put them in a locked file cabinet next to my desk."

Ms. Darnell, who was out of town last week, said she couldn't imagine what the council could be looking for in regard to her. She said she doesn't sign financial documents but usually attests to signatures on documents.

"As I told the council the evening of the special meeting, in my 25-plus years of public service, I have never ever been associated with an investigation, not even remotely," Ms. Darnell said. "And I find this to be quite gut-wrenching."

Non-Credibility from 1982 Journal 2004

Tiara M. Ellis

Executive assistant in Murphy is put on leave

MURPHY – Cynthia Kent, an executive administrative assistant, was placed on paid administrative leave Tuesday, days after Murphy's city manager and city secretary were suspended, officials said.

The two previous suspensions coincided with a City Council investigation into official conduct of city officers and employees Friday, according to a written news release. Ms. Kent reported to City Manager Roger Carlisle along with City Secretary Kaythie Darnell, said interim City Secretary Debbie Wilson.

The council's investigation was announced at a special meeting Friday. A written release said that no date has been set for the investigation's completion.

Tiara M. Ellis

pg 16 Sunday, June 13, 2004 The Dallas Morning News

Exhibit

Murphy council suspends 2 officials

'Possible violations' cited; others suspect personality conflict

By TIARA ELLIS and JENNIFER AREND
Collin County Bureau

The Murphy city manager and city secretary have been suspended after a closed session of the City Council.

The two employees – City Manager Roger Carlisle and City Secretary Kaythie Darnell – were placed on paid administrative leave during a special council meeting Friday night because the city has initiated an investigation into possible violations of Texas government code and penal code, Mayor David Trudeau said.

Roger Carlisle

He declined Saturday to speak further about the situation, saying city attorneys would prepare a news release addressing it. City employees and residents said Saturday that no matter the nature of the investigation, they deserve to know what alleged violations occurred.

Some believe the suspensions are the result of a longtime dispute between the mayor and city manager and secretary, but they've just not gone public.

Mr. Carlisle has said that city managers come and go, and that's the nature of the business. He said being placed on paid leave isn't unexpected.

But he added that he doesn't know what the investigation is about. "I'm not going to let them run over me," he said. "If you want to change, change things. But you don't have to bloody up the world."

Ms. Darnell could not be reached for comment Saturday.

The city's director of public works, Craig Sherwood, will serve as interim city manager. And longtime city employee Debbie Wilson will perform Ms. Darnell's duties as interim city [illegible]

Mr. Trudeau said Friday night that he and the other council members had been told by their attorneys that they could not discuss the matter.

Council member Michael Ashby said he and the others who filled Murphy's council chambers to overflowing Friday left that meeting with no answers and more questions.

"Everyone is dumbfounded at this point," Mr. Ashby said. "They are only saying that there's a possible problem. ... I think it's just a personality conflict."

Mr. Ashby left the council after not running for re-election in May. Four others – Eric Hemphill, Eric Barna, Michelle Long and Roger Davis – are new faces on the council. Mr. Hemphill and council member Scott Fuller weren't at Friday's special meeting, which was called by the mayor last week.

Mr. Ashby said he had no indication that an investigation was coming.

But Mr. Carlisle said he was not surprised.

"I knew this was coming as soon as they got elected," Mr. Carlisle said. "They've been pretty vocal, and that's their shot to call. I serve at the will of the council."

As part of the Friday meeting, the council was scheduled to conduct performance evaluations of the city manager and city secretary during an executive session. Going into the meeting, Mr. Carlisle said he repeatedly asked that the portion of the session discussing him be done in open meeting. Because the discussion was closed, he said, his attorneys is looking into possible open meeting violations.

Texas law generally allows personnel decisions by public bodies to be discussed in closed sessions.

Mr. Barna said the council honored Mr. Carlisle's request by repeating what was said during the executive session in the open meeting. A copy of that statement wasn't available Saturday. And Mr. Barna said he did not feel comfortable repeating it without seeing the exact wording.

The purpose of the investigation is to answer questions. "So not right anybody or to put anything onto anybody that wasn't wrong, we're just not saying anything," Mr. Barna said. "[illegible]

Note:
These are the kinds of people Murphy has had ruling for twenty one years, since April 18, 1983, the date that Lawrence Jackson, Murphy City Attorney, stated in Return of Mandamus, that Appellants' rights in Peacock's Landing Estates began (stated in last sentence of Return of Mandamus).

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Appendix 18

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STANLEY J. PEACOCK AND WIFE, PATSY PEACOCK

PLANTIFFS

v

CIVIL ACTION NO. 4:02CV373

CITY OF MURPHY, TEXAS, (INCLUDING THE MURPHY CITY COUNCAL; ACTING AS INDIVIDUALS FOR SELF INTEREST, IN UNISON WITH MURPHY)

DEFENDANTS

MOTION TO AMEND
EMAND FOR JURY TRIAL

To The Honorable Judge Of Said Court:

Having filed Plaintiffs' First Amended Original Petition in February, 2003, Plaintiff Motions under Federal Rule 38(b), To Amend Plaintiffs' Demand For A Jury Trial on issues triable by Jury and all of the triable issue contained in First Amended Original Petition. This is filed under the Section Rule 38(b) that contains the statement "at any time after the commencement of the action and not later than 10 days after the service of the last pleading directed to such issue" is the Demand.

STANLEY J. PEACOCK, PLAINTIFF

Appendix 19

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CASE NO. 4:02cv373
(Judge Bush)

CIVIL ACTION NO. 4:02CV373

Stanley J. Peacock and Wife, Patsy Peacock

Plaintiffs,

v.

City Of Murphy, Texas

Defendants,

MEMORANDUM OPINION AND ORDER

Before the Court is Defendant City of Murphy's Motion for Summary Judgment. After considering the Motion, affidavits and evidence in support, as well as responses and replies thereto, the Court finds that the Motion should be granted.

The factual history of this case has previously been recited in the Court's prior opinion dismissing a portion of Plaintiff's claims against the City of Murphy. 1 The only issue remaining to be resolved is whether the City is entitled to summary judgment on Plaintiffs claim for violation of his right to equal protection. Needless to say, Plaintiff has been engaged in litigation for over two decades with the City. The latest salvo occurred when Plaintiff attempted to have his property re-platted to develop "Peacock Estates. II It appears that Plaintiff

believes that property owners near his property have not been required to comply with conditions that Plaintiff must comply with in order to develop his property. Plaintiff appears to contend that he can darn well build whatever he wants without regard to existing ordinances and codes because the City failed to object to his original plat filed in the early 1980's. This controversy has made its way through several courts including this Court in 1990 when the Honorable Paul Brown found that Plaintiffs complaints against the City were barred by limitations. Undaunted, Mr. Peacock went to the United States Court of Appeals for the Fifth Circuit which upheld the District Court. Thereafter, there was a lull in hostilities, at least on the surface, until Mr. Peacock attempted to amend his plat.

Mr. Peacock takes exception to the City's requirement that his proposed development comply with city ordinances and codes. Having been singled out and treated disparately, Mr. Peacock wants his day in Court and recompense for actual as well as punitive damages. The Court has tried to give Mr. Peacock a wide berth in the presentation of his case. However, even though he is *pro se*, the Court cannot ignore the proof the City has articulated which is not specifically refuted by Mr. Peacock through affidavit or otherwise. Local Rule CV -56 (c) provides that in resolving a motion for summary judgment, the Court will assume that the facts as claimed and supported by admissible evidence by the moving party are admitted to exist without controversy, except to the extent that such facts are controverted in the" Statement of Genuine Issues" filed in opposition to the Motion as supported by proper summary judgment evidence. This requirement relieves the Court of scouring pages of pleadings to determine whether there is in reality a genuine issue of material fact. The City has submitted the following facts and evidence not

controverted for the most part by Mr. Peacock as required by the rule noted above:

1. In March 1984, the Plaintiffs filed their first lawsuit against the City of Murphy ("City") concerning the platting of an addition named "Peacock's Landing Estates. " (See the discussion. in the Fifth Circuit opinion, Ex.1, p. 2);

2. In said lawsuit, which was filed in State Court, they sought "to compel the [C]city to issue building permits and to approve sewer connections, water meters, and the like." (See the discussion in the Fifth Circuit opinion, Ex.1, p. 2);

3. They also sought to recover damages for the City's alleged willful denial of equal protection and requested punitive damages and compensation for mental stress and anguish, loss of income, injury to professional reputation, and loss of the property's value. (See the discussion in Fifth Circuit opinion, Ex.1 p. 2);

4. The City's Motion for Summary Judgment was granted by the District Court and affirmed by Dallas Court of Appeals. However, the Texas Supreme Court reversed and remanded the case for trial. (See *Peacock* v. City *of Murphy*, 706 S.W.2d 648 (Tex. 1986)

5. At trial, the jury found that the Plaintiff had not complied with the City's filing requirements and returned a verdict in its favor. (See the discussion in the Fifth Circuit opinion, Ex.1, p. 3);

6. *Of* Significance herein the jury also found that the City had not demanded that the Plaintiff comply with requirements that were not imposed upon other

applicants whose subdivision plats were approved. (See the discussion in the Fifth Circuit opinion, Ex.l, p.3);

7. In any event, the Plaintiffs appealed to the Dallas Court of Appeals which held that the District Court failed to submit the proper issue to the jury. (See the discussion in the Fifth Circuit opinion, Ex.1, p. 3);

8. Specifically, it held that the pertinent question was whether the Plaintiffs filed their subdivision plat with the governing body *of* the City, not whether the plat complied with the applicable City's ordinances. (See, the discussion in the Fifth Circuit opinion, Ex.l, p. 3);

9. As a result the Dallas Court of Appeals remanded the case with instructions for the District' Court to issue a Writ of Mandamus in accordance with its ruling. (See, discussion in Fifth Circuit opinion, Ex.1 p. 3);

10. Thereafter, on March 31, 1988, Judge Holland of the 296th District Court of Collin County, Texas, issued a Writ *of* Mandamus. (Writ of Mandamus, Ex. 3, p. 9);

11. While said Writ did command the City to "recognize Peacock's landing as a subdivision *of* the City of Murphy" and to issue building, water, and sewer tap permits for the four lots in the subdivision, it expressly ordered that *"Construction under such permits to be in accordance with the building codes in effect at the time of construction and water and sewer tap permits to be permits to tap into the city system where the city system is located at the time of construction and in accordance with the building and utility codes in*

effect at the time of construction." (Writ of Mandamus Ex 3, p 9, emphasis added);

12. The City filed its Return of Mandamus with the State Court on May 22, 1988, acknowledging its compliance with the provisions of the Writ. (of Mandamus, Ex. 4, p. 10-11);

13. However City filed said Return, the Plaintiffs filed their second lawsuit against it. Specifically, they filed Cause No. 4:88-CY-140, styled *"Stanley Peacock, et ux. v. City of Murphy, et al* " in the United States District Court of the Eastern District of Texas, Sherman Division. *(See* Court's records in Cause No. 4:88-CY-140);

14. In their first federal case, the Plaintiffs alleged that the City and its Council violated their constitutional rights and sought to recover their alleged actual and punitive damages as well as their attorney's fees. (See Court's records in Cause No. 4:88-CV-140 and also the discussion in *the* Fifth Circuit opinion, Ex.l, p. 4);

15. Specifically, The plaintiffs alleged that "the city continued to refuse to give its approval to the plat and plan and to refuse building permits, to grant a hearing, and to issue water meters or sewer taps." *(See* Court's records in Cause No.4: 88-CY-140 and also discussion in Fifth Circuit opinion, EX.1, p.5);

16. In any event, the City filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6), asserting that the Plaintiffs' claims for damages were barred by limitations, and further, that this "lawsuit had already been 'exhaustively adjudicated' in state court and so was barred by res judicata." (See Court's records in Cause

No. 4:88-CY-140 and also the discussion in the Fifth Circuit opinion, Ex.l, p. 4);

17. Judge Brown granted the City's Motion to Dismiss finding that the Plaintiffs' claims were barred by the two-year statute of limitations. *(See* Court's records in Cause No. 4:88-CY140 and also the discussion in the Fifth Circuit opinion, Ex.l, p. 5);

18. In its opinion dated June 4, 1990, the Fifth Circuit affirmed said dismissal and extensively discussed the limitations issue as well as the City's assertion of res judicata. (See the discussion in the Fifth Circuit opinion, Ex.l, p. 4-7);

19. It also expressly rejected the Plaintiffs' "continuing torts" claim. (See the discussion in the Fifth Circuit opinion, EX.l, p.5);

20. In any event, on November 13, 1990, the United States Supreme Court denied the Plaintiffs' Petition for Writ of Certiorari in said case. (Letter from Supreme Court, Ex. 2, p. 8);

21. The Plaintiff took no further action for almost twelve (12) years. However, on August 14, 2002, they filed a Development Application ("Application") with the City in which they sought to "replat" and make a "correction" to the plat of Peacock's Landing Estates. (Bentle Affidavit, Ex. 5, p. 13; Business Records, Ex. 8, p.

22. According to the statements on the replat drawing, its purpose was to *"bring the property, as originally platted, into compliance with the current platting rules and regulations of the City of Murphy, Texas."* (Sefko Affidavit, Ex. 6, p. 18; Conway'

Affidavit, Ex. 7, p. 25; Business Records, Ex. 8, p. 31, 32, emphasis added);

23. The replat was also intended to correct a number of errors and "irregularities" in the original plat which was filed pursuant to Judge Holland's Writ of Mandamus dated March 31, 1988. (Sefko Affidavit, Ex. 6, p. 18; Conway Affidavit, Ex. 7, p. 25: Business Records, Ex. 8, p. 31, 32);

24. The new Application and its request to "replat" was carefully reviewed by the City Engineer, the City Planner, the City's Director of Public Works and its Fire Chief (Sefko Affidavit, Ex. 6, p. 18, 21-23; Conway Affidavit, Ex. 7, p. 25, 21-23; Conway Affidavit 7, p. 25, 27-28; Business Records, Ex. 8, p 52, 53);

25. For example(City Engineer Ronald V. Conway, a licensed Professional Engineer and licensed Professional Land Surveyor, reviewed the Application and the requested replat to determine whether it complied with the City's current Subdivision Ordinance. (Conway Affidavit, Ex. 7, p 24, 25, 27-28);

26. In doling so, he performed a careful, thorough and diligent review of the requested replat and the documentation submitted by the Plaintiffs. (Conway Affidavit, Ex. 7, p. 25, 27-28);

27. Based on his review, Mr. Conway prepared a letter dated September 19, 2002, in which he detailed his findings and conclusions concerning the Plaintiffs' Application to replat the property in question. (Conway Affidavit, Ex. 7, p. 25, 27-28);

28. In his letter, Mr. Conway noted his finding that:

"As citizens of Murphy, the people who will purchase the houses constructed on the proposed lots in this subdivision are entitled to receive the services provided to all other citizens by the City. These include readily available fire and police protection, adequate water and sanitary sewer service, garbage pickup and paved access to their property. None of these will be available to Peacock's Landing Estates Addition as proposed on this plat. (Conway Affidavit, Ex. 7, p. 25, 27-28);

29. As a result, she recommended that the replat not be approved as submitted. Further, his letter discussed in detail other issues and concerns he had with the proposed replat as submitted by the Plaintiffs. (Conway affidavit, Ex. 7, p. 25, 27-28);

30. City Planner Sherry -5elKo also reviewed the Application and request replat to determine if they complied with the City's Subdivision Ordinance. (Setko Affidavit, Ex. 6, p. 17, 18, 21-23)

31. In so doing, she performed a careful, thorough and diligent review of the requested replat and documents submitted by the Plaintiffs (Setko Affidavit, Ex. 6, p.18, 21-23);

32. On September 20, 2002, Ms. Setko prepared a memorandum which detailed her findings and conclusions concerning the Plaintiffs' Application to replat the property. (Setko Affidavit, Ex. 6, S, 21-23);

33. She detailed in said memorandum that she had

concerns about the lack of adequate access not only for the lot owners themselves, but also for emergency fire/police access, solid waste pickup, utility meter reading, mail delivery, etc., as well as the inadequate provisions for essential public services such as potable water, adequate water pressure for firefighting purposes, and sanitary sewer services (Setko Affidavit, Ex. 6, p.18, 21-23);

34. In addition, Ms. Setko determined that the replat itself was deficient in several respects. (Setko Affidavit, Ex. 6, p.18, 2123);

35. Don Short, the City's Director of Public Works, also reviewed the proposed replat and found that it had "no provisions for access (public streets)" and also that "utility easements for water and sewer off site are not shown." As a result, he concluded that the "Subdivision does not conform with City Standards." (Business Records, Ex. 8, p. 52);

36. Further, Alan Palambo, the City's Fire Chief, found that the proposed replat did not comply with the applicable Fire Code. (Business Records, Ex. 8, p. 53);

37. On September 23, 2002, the City's Planning and Zoning Commission held a public hearing to consider the Plaintiffs' Application and to obtain citizen input. (Bentle Affidavit, Ex. 5, p.13; Minutes of Meeting, Ex 8, p. 3245);

38. At said hearing, there was substantial citizen objection to the Plaintiffs' request to replat. (Minutes of Meeting, Ex. 8, p. 32- 45);

39. In fact, every citizen who spoke at the

hearing or filed letters with the City objected to the Plaintiffs' Application. (lylinutes of Meeting, Ex. 8, p.32-45);

40. On the other hand, neither the Plaintiffs nor anyone their behalf attended the hearing to answer questions or discuss heir request. (Sefko Affidavit, Ex. 6, p. 18; Minutes of Meeting, Ex. 8, p.33);

41. In any event, Planner reviewed her memorandum with the Commission members. (Sefko Affidavit, Ex. 6, p. 18; Minutes of Meeting, Ex. 8, p. 33);

42. After careful consideration of all the evidence, the Planning and Zoning Commission recommended to the City Council that the Plaintiffs' Application be denied. (Bentle Affidavit, Ex. 5, p. 13; Sefko Affidavit, Ex. 6, p. 18; Minutes of Meeting, Ex. 8, p. 33);

43. On September 24, 2002, Ray W. Bentle, the City's Mayor, sent a letter to the Plaintiffs detailing the Planning and Zoning Commission's action as well as options available to them. (Bentle Affidavit, Ex. 5, p. 13, 15-16);

44. He also advised them that the City Council would hold a public hearing to consider their request on October 7, 2002. (Bentle Affidavit, Ex. 5, p. 13, 15-16);

45. In said letter, Mayor Bentle reiterated the legal status of Peacock's Landing Estates as a result of the prior litigation involving said property. (Bentle Affidavit, Ex. 5, p. 13, 15-16);

46. Specifically, he informed the Plaintiffs that

the City does, in fact, recognize and acknowledge the original plat which was filed as a result of the state court litigation and the resulting Writ of Mandamus dated March 31, 1988. (Bentle Affidavit, Ex. 5, p. 13, 15-16);

47. Further, he indicated the City had no problem recognizing the lots shown thereon as officially platted lots that could be sold to individuals and used in the same manner that the land has always been used i.e. for agricultural uses such as livestock grazing and the cultivation of crops. (Bentle Affidavit, Ex. 5, p. 13, 15-16);

48. However, the Mayor reminded the Plaintiffs that, in accordance with the express language of the Writ of Mandamus itself, construction on the lots had to be performed "in accordance with the [City's] building codes in effect at the time of construction." (Bentle Affidavit, Ex. 5, p. 13, 15);

49. Mayor Bentle indicated that if the intent was to sell the lots for residential use, the original plat filed under Court order was substantially deficient; did not meet the City's subdivision regulations; and the property could not be used for residential purposes unless and until a replat of the property was approved by the City Council. (Bentle Affidavit, Ex. 5, p. 13, 15-16; Sefko Affidavit, Ex. 6, p. 20);

50. On October 7, 2002, the City Council held a public hearing to consider the Plaintiffs' request to replat the property. (Bentle Affidavit, Ex. 5, p. 13 ; Minutes from council Meeting, Ex.

51. A said hearing there was substantial citizen objection to the Plaintiffs' request. (Minutes from

Council Meeting, Ex. 8, p. 45-46

52. However, the Plaintiffs failed to appear to address said objections. (Minutes from Council Meeting Ex 8, p. 45-46);

53. In any event, after discussion, listening to citizens comments, and considering all the evidence presented to it, the City Council voted to deny the Plaintiffs' Application to replat property in question. (Bentle Affidavit, Ex. 5, p. 13; Minutes from Council Meeting, Ex. 8, p. 45-46);

54. It is undisputed that the City treated and considered the Plaintiffs' Application to replat their property in the same manner as all such requests are treated and considered. (Bentle Affidavit, Ex. 5, p. 13 Sefko, Affidavit, Ex. 6, p. 19; Conway Affidavit, Ex.7, p. 26);

55. It also afforded the Plaintiffs all the rights and privileges that persons in the same or a similar position are afforded. (Bentle Affidavit, Ex. 5, p. 13; Sefko Affidavit, Ex. 6, p. 19; Conway Affidavit, Ex. 7, p. 26);

56. Further, the Plaintiffs were not treated any differently than any other similarly situated person. (Bentle Affidavit, Ex. 5, p.13; Sefko Affidavit. 7, p. 26);

57. In fact, the review of the Application to replat their property was performed in the same manner that all such requests are reviewed and analyzed. (Bentle Affidavit, Ex. 5, p. 13; Sefko Affidavit, Ex. 6, p. 19; Conway Affidavit, Ex. 7, p. 26);

58. Additionally, the Plaintiffs were given two public hearings regarding their request, just as any other applicant would have been entitled to under the same or similar circumstances. (Bentle Affidavit, Ex. 5, p. 13; Sefko

59. Also, the standards applied to the Plaintiffs' Application to replat their property were the same standards applied to all similar requests. (Bentle Affidavit, Ex. 5, p. 13; Sefko Affidavit, Ex. 6, p. 19; Conway Affidavit, Ex. 7, p. 26);

60. In fact, the City dealt with their request in the same manner that it deals with all similar requests. (Bentle Affidavit, Ex. 5, p. 13; Sefko Affidavit, Ex. 6, p. 19; Conway Affidavit, Ex. 7, p. 26);

61. As a result, the Plaintiffs were. not deprived of any right to equal protection afforded them under the Fourteenth Amendment to the United States Constitution. (Bentle Affidavit, Ex. 5, p. 13; Sefko Affidavit, Ex. 6, p. 19 Conway Affidavit Ex. 7, p. 26);

62. In this regard, it is important to note that the developer of Creekside Estates, a similarly situated subdivision, made a request for said development to be platted at or near the same time as Plaintiffs' request and the standard of review for its request was the same as the standard applied to the Plaintiffs'. (Sefko Affidavit, Ex. 6, p. 19);

63. As stated above, the deficiencies in Plaintiffs' request were described in the documentation and evidence presented at the Planning and Zoning Commission hearing of September 23, 2002, and at the City Council hearing of October 7, 2002, which the

BEST AVAILABLE COPY

Plaintiffs chose not to attend. Further, the Plaintiffs have not addressed said deficiencies to date. (Bentle Affidavit, Ex. 5, p. 13); and

64. Plaintiffs filed this third lawsuit against the City essentially repeating claims that have been previously dismissed by courts at the state as well as the federal level in an attempt to avoid having to comply with the same rules and regulations imposed on other developers. (Court's records in instant case).

To withstand a motion for summary judgment, the nonmovant must present evidence sufficient to establish the existence of each element of his claim on which he will have the burden of proof at trial. *Celotex Corp.* v. *Catrett,* 477 U.S. 317,322 (1986). In order to prevail on his equal protection claim, Mr. Peacock must establish that he was treated differently than other similar situated persons. Bryan v. City of Madison, Mississippi, 213 F.3d 267,276 (5th Cir. 2000), *cert. den.,* 531 U.S. 1145 (2001). Unless a suspect class or fundamental right is involved, the Court should employ the rational basis test in deciding equal protection claims, *Wheeler* v, *Miller,* 168 F.3d 241,252 (5th Cir, 1999). Thus, "[i]t is clearly established that a state violates the equal protection clause when it treats one set of persons differently from others who are similarly situated." *Yates* v. *Stalder,* 217 F.3d 332, 334 (5th Cir. 2000). Plaintiff has failed to offer sufficient summary judgment evidence to demonstrate that other landowners were in a similar position as Plaintiff and treated differently than Plaintiff. Mere speculation is insufficient to raise a fact issue for the Court to consider. *See Montgomery* v. *Trinity LS.D.,* 809 F.2d 1058, 1062 (5th Cir. 1987), The Plaintiff, in his Partial Response, addresses the equal protection claim in a generalized matter and states that he intends to call

several witnesses at trial who have not had to endure the requirements fostered on him by the City. However, there are no affidavits or any evidence for the Court to consider in regard to Mr. Peacock's claim. Even though he represents himself *pro se* and points out that he is not a lawyer does not excuse him from compliance with the Rules of Procedure and the local rules of this Court. This was made clear to Mr. Peacock at the initial management conference. The City had a rational basis for its decision and the Plaintiff has failed to overcome this issue. Summary judgment should be granted for the City on the last remaining issue in this case, the denial of equal protection. It accordingly

ORDERED that Defendant's Motion for Summary Judgment is **GRANTED** and that each party should bear their own costs in this matter. All other Motions currently pending or other requests for relief are **DENIED** as moot.

SIGNED this 4 day of March, 2004.

DON D. BUSH
UNITED STATES MAGISTRATE JUDGE

Appendix 20

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

STANLEY J. PEACOCK AND WIFE, PATSY PEACOCK,

Plaintiffs,

CIVIL ACTION NO. 4:02CV 373

VS.

CITY OF MURPHY, TEXAS, (INCLUDING THE MURPHY CITY COUNCIL: ACTING AS INDDUALS FOR SELF INTEREST IN UNISON WITH MURPHY).

PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON MUNICIPAL PERMIT CENTERS FOR INSPECTION AND OTHER PURPOSES

To Defendants, City of Murphy, Texas (Including The Murphy City Council):

Pursuant to Rules 34a; Rule 26(d); 26(b); Rule 29 and Rule 37(a) of Federal Rules of Civil Procedure, you are requested to serve a written response within 30 days after service of this request for Production of Documents and Things and Entry Upon Building Permit Centers For Inspection And other Purposes described in

Rule 34.

To The Honorable Judge Of Said Court:

Now Comes, Plaintiffs Stanley 1. Peacock Plaintiff Pro Se and Patsy Peacock, and would submit the above stated Federal Rules Of Civil Procedure for Production of Documents and Things.

STANLEY J. PEACOCK - PLAINTIFF

Appendix 21

clear that the inhabitants of a state have a dual citizenship, one a general[57] or national citizenship,[58] which is independent of, and separate from, their citizenship of the particular state,[59] and the other a citizenship of the state in which they reside.[60] As a matter of fact, such dual character of citizenship had been forecast by a decision which antedated the adoption of the Fourteenth Amendment.[61]

A person may be a citizen of the United States without being a citizen of a state.[62] There is no separate citizenship of a territory, and the only citizenship its inhabitants and residents have, or which Congress can confer on them, is national as citizens of the United States. Accordingly, it has been held that nonresidents of unorganized territories need not be given the rights of residents therein by reason of the constitutional provision that citizens of each state shall be entitled to all privileges and immunities of citizens in the different states.[63]

Under 42 USCS § 1983, every person who, under color of state or territorial statute, ordinance, regulation, custom, or usage, subjects any person within the jurisdiction of the United States, or causes any such person to be subjected, to the deprivation of any rights, privileges, or immunities secured by the Federal Constitution or laws, is liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.[64] Other federal statutes contain criminal[65] and civil[66] provisions against conspiracies to deprive citizens of equal rights or privileges and immunities secured by the Federal Constitution or laws.

§ 720. —Nonwhites, Indians, aliens.

While the main purpose of the Fourteenth Amendment was to establish the citizenship of the Negro population of the United States,[67] the operation of that constitutional provision is by no means confined to any particular race or races. A state must give to any citizen of the United States, regardless of race

57. Cole v Cunningham, 133 US 107, 33 L Ed 538, 10 S Ct 269.

58. Boyd v Nebraska, 143 US 135, 36 L Ed 103, 12 S Ct 375; United States v Reese, 92 US 214, 23 L Ed 563; Slaughter-House Cases, 83 US 36, 21 L Ed 394; State v Moore, 104 NC 714, 10 SE 143.

59. Slaughter-House Cases, 83 US 36, 21 L Ed 394; Cary v Carter, 48 Ind 327.

60. Colgate v Harvey, 296 US 404, 80 L Ed 299, 56 S Ct 252, 102 ALR 34 (ruled on another point in Madden v Kentucky 309 US 83, 84 L Ed 590, 60 S Ct 406, 125 ALR 1383); Orr v Gilman, 183 US 278, 46 L Ed 196, 22 S Ct 213; Boyd v Nebraska, 143 US 135, 36 L Ed 103, 12 S Ct 375; Re Kemmler, 136 US 436, 34 L Ed 519, 10 S Ct 930; State ex rel. Dean v Hedrick, 248 Iowa 978, 83 NW2d 431

61. Gaines v Ballon, 31 US 761, 8 L Ed 573

62. Slaughter-House Cases, 83 US 36, 21 L Ed 394.

A person residing within the District of Columbia or in one of the territories may be a citizen of the United States, but not of any one of the states. Pope v Williams, 93 Md 59, 36 A 543, affd 193 US 621, 48 L Ed 817, 24 S Ct 573

63. Hanak v Alaska Packers Assn., 263 US 510, 68 L Ed 414, 44 S Ct 177

64. See 15 Am Jur 2d, Civil Rights §§ 16 et seq

As to the specific rights, privileges, or immunities protected by the statute, see 15 Am Jur 2d, Civil Rights § 19.

65. 18 USCS § 241

See 15 Am Jur 2d, Civil Rights §§ 22 et seq

As to particular rights or privileges protected, see 15 Am Jur 2d, Civil Rights § 21.

66. 42 USCS § 1985(3)

See 15 Am Jur 2d, Civil Rights §§ 25, 26.

67. § 719, supra

Appendix 22

From the Office of the Mayor
Roy W. Bentle

September 24, 2002

Camelot, Stan Peacock, Builder
Mr. Stanley Peacock
14409 County Road 565
Farmersville, Texas 75442

VIA: CERTIFIED MAIL 70001530000273759935
& REGULAR US POSTAL SERVICE

RE: Replat of Peacock's Landing Estates

Dear Mr. Peacock:

This letter is to confirm the action taken by the Planning and Zoning Commission of the City of Murphy on September 23, 2002 on the Replat of Peacock's Landing Estates. The Planning and Zoning Commission for the City of Murphy has made a recommendation of "denial" to the City Council on the Replat as submitted. The City Council will hold a Public Hearing at their meeting on October 7, 2002.

With a recommendation of denial you, the applicant, have a couple two of options: 1) you may file an appeal with the City Council to appeal the recommendation of the Planning and Zoning Commission; or 2) you may withdraw the replat as submitted to allow you time to revise your replat drawing to meet city standards and you may then resubmit a new replat application along with the required easements and engineering plans for subdivision improvements revised drawing. We are attaching the comments of the City Planner and City Staff pertaining to the submitted replat drawing. If you wish to appeal or withdraw your current replat drawing please submit a letter stating your desired action to the City Secretary's office no later than Tuesday, October 1, 2002. Letter is on next Page: Withdrawl

For clarification, the original plat recorded with Collin County in 1984, Vol. 41 Page 697 is a valid and is legally recognized by the City of Murphy. As such, the lots may be sold as platted lots and utilized as the property has always been used, for agricultural/grazing purposes. However, the construction of buildings (homes) on them shall be "in accordance with the [City's] building codes [that are] in effect at the time of construction" (pursuant to Writ of Mandamus, March 31, 1988). The taps into the City's water and sanitary sewer systems are allowed, but these taps shall be from where those City utility services are "located at the time of construction, and in accordance with the [City's] building and utility codes [that are] in effect at the time of construction. (pursuant to same Writ of Mandamus, March 31, 1988). As with any other development or subdivision, it is the responsibility of the developer or home builder to procure/verify adequate permanent and irrevocable access across neighboring properties as well as essential public services and utilities (potable water, fire protection, sanitary sewer, etc.) and private utilities. It will be necessary to acquire the proper easements (or to verify the existence of such easements) from surrounding property owners to get these services to the subject property. Once the easements have been obtained/verified, it will be necessary for the developer or home builder to construct

Please Note: Murphy states above: Original plat is valid. The Court of Appeals asked for no conditions or

Expiration

the infrastructure components to serve these four lots with reliable, permanent public access, potable water, water for fire protection purposes, sanitary sewer collection, and other utilities.

Please contact the City Planner, Sherry Sefko at 214-553-5781 for assistance with correcting these issues. We look forward to working with you in the near future.

Sincerely,

Roy W Bentle

Roy W. Bentle,
Mayor

Attachments

Cc: City Planner, Sherry Sefko
City Attorney, Jerry Gilmore
City Secretary, Linda Marley
City Council
City File

RWB/cls

Sent Sept. 28, 2002

September 28, 2002

Dear Regale Representatives of Murphy,

As we originally discussed, I have not been interested in ever trying for approval from Murphy of anything. Of course you have received the Order from the Fifth Court of Appeals. I don't know about your information, but the one house that I intend to build, will be in accordance with the city's building code. That compliance in every city in the world is usually submitted with application and drawing of the house to be constructed.

I am not interested in subdivision codes. The Appeals court has already approved the lots as subdivision lots, suitable for utilities, permits, slope and meters.

If you notice, no new plat or subdivision is planned. The old court approved one is sufficient. Thank you. In this signed letter I am withdrawing everything that we believe I applied for, which I submit. There is to be no Replat, Drawing, Engineering, Plans or any application for anything. No improvement. Nothing. I am withdrawing everything. Forever. I can't live with your way of doing business, I withdraw everything. Forever. I don't like the Lawsuits. I understand Stephen Murphy never intended to do anything to prevent the Lawsuits.

Sincerely,

Ronald Cook

Appendix 23

DEPARTMENT OF VETERANS AFFAIRS
Health Administration Center
PO Box 469028
Denver, CO 80246-9028

March 2003

Shows Appellants Total Disablement from service connected injuries

Dear Veteran

Our records indicate that you are a veteran who has been rated permanently and totally disabled for your service-connected disabilities and are not receiving TRICARE benefits. If this information is correct and you have dependents they may be eligible for health care benefits through the CHAMPVA Program.

CHAMPVA is a health benefits program in which the Department of Veterans Affairs (VA) shares the cost of certain health care services and supplies with the eligible dependents of certain veterans. The VA's Health Administration Center (HAC) in Denver, Colorado manages the CHAMPVA program. CHAMPVA is the last payer after Medicare and any other health insurance.

ELIGIBILITY CRITERIA FOR DEPENDENTS

Spouse is the husband or wife of a qualifying veteran.

Child includes birth, adopted, stepchild or helpless child as determined by a VA Regional Office. A child is the unmarried dependent of the veteran who is under the age of 18 or between the ages of 18 and 23 and is a full-time student in an approved educational institution.

If the spouse or child is receiving TRICARE benefits, or has been verified as being eligible for TRICARE benefits, they are not eligible for CHAMPVA benefits. If this is the case, please complete and return the enclosed Application For CHAMPVA Benefits and boldly print the words "TRICARE ELIGIBLE" at the top of the application in order for us to update our records.

HOW DO YOU APPLY?

To apply for CHAMPVA benefits, please submit the following three documents:

1. Application for CHAMPVA Benefits (VA Form 10-10D), which is enclosed.
2. Other Health Insurance (OHI) Certification, (VA Form 10-7959C), which is enclosed.
3. A copy of the spouse's or child's Medicare Card if they are enrolled in Medicare. If the spouse is over the age of 65 and not entitled to Medicare, a copy of the letter from the Social Security Administration confirming they are not eligible for Medicare under anyone's social security number must accompany the application.

Appendix 24 / Application 2 / under Citizen

Records of:
No records,
Concealment of facts
(Cover up?)
to prevent proof of equal protection

COMMUNITY DEVELOPMENT DEPARTMENT

Murphy

July 15, 2003

Delta Moody
c/o Stan Peacock
14409 CR 565
Farmersville TX 75442

RE: Permit Information for homes on Cherokee and Maxwell Creek

Dear Ms. Moody:

The City of Murphy has looked into your open records request and have not located any permit records prior to 1998.

We thank you for your patience in this matter.

Sincerely,

Robby L. Blair, CBO
City Planner/Building Official

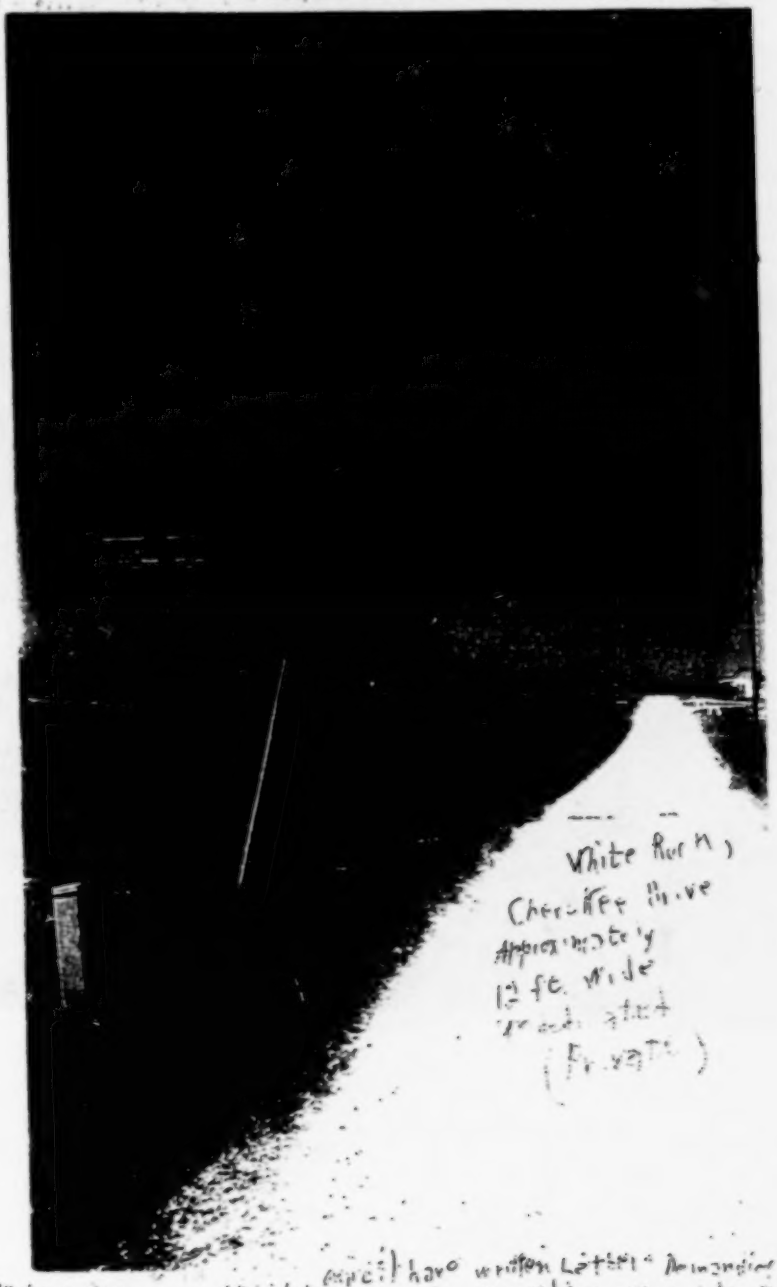
Cover up of facts showing unequal treatment

7.

Appendix 25

9

Appendix 26

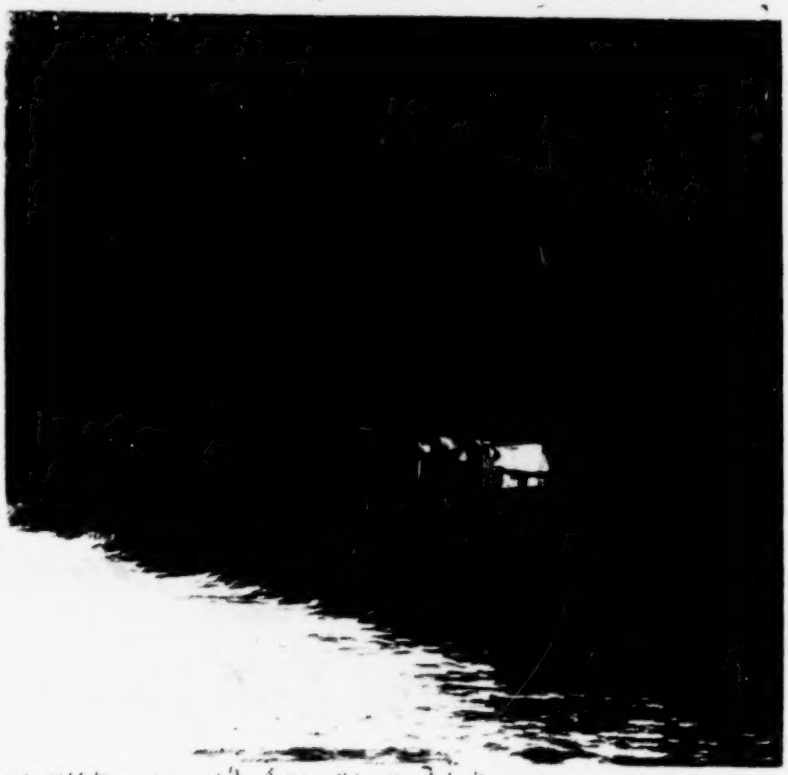


Appendix 27

Cherokee Nation Tar Creek Superfund Site
Cherokee Nation Tribal Property Area

Appendix 28

Mail boxes in Cherokee Area for [illegible] at [illegible] Road area. Murphy has written letter [illegible] Police area for Mail boxes and solid waste pick up, right of way for utility easements for the entire Cherokee RJ. Street, Sare with concrete, Sidewalks, side adjoining Streets and purchase right of Ways for adjoining dedicated Streets and Submit written



escrow money and Archure [illegible] plans to guarantee performance for the entire Cherokee RJ area, [illegible] on utilities or building permits will ever be issued in compliance with the Fifth Court of Appeals order, and the Return of Mandamus agreement to perform by the Murphy Attorney Larry Jackson. There were also [illegible] Mack Moore - Abandonment, Hydrant costs.

Respectfully submitted,

Stanley J. Peacock

Stanley J. Peacock, Appellant Pro Se
14409 County Rd. 565
Farmersville, Texas 75442
(972)784-7107

Patsy Peacock

Patsy Peacock, Appellant Pro Se

CONCLUSION

The Petition for a Writ Of Certiorari should be granted.

Respectfully submitted,

Stanley J. Peacock

Stanley J. Peacock

Date: May 11th, 2005

Subscribed And Sworn To Before Me
On This the 11th day of May, 2005.

Notary Public in and for the State of Texas